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M. BLUM AND THE FRENCH SENATE

PROBLEMS of governmental structure and functioning now have a far greater international importance than ever before. Yesteryear, foreign statesmen rarely showed more than polite interest in Cabinet crises in other countries. These were the growing pains of political systems that were more or less representative. Now the dictators seek adventitious aid from the dissensions and changes of personnel which are normal to parliamentary government. They seize on moments of uncertainty when Cabinets are divided to press their foreign policies. They launch their bolts when parliamentary lightning-rods are being repaired. The result is that governments which still retain popular institutions and liberty of opinion must lead their political lives in deep shadows cast by the totalitarian states. They must resolve their domestic crises quickly because of threats outside their borders. Moreover, in the attitudes taken by the extreme parties during these crises, the conflicting totalitarian doctrines are not without influence.

It has frequently been noted that some of Hitler's speeches and coups have been timed to come at the beginning of that interval which has traditionally been necessary to strengthen British Ministers for their Monday to Friday labors — when Whitehall is empty and when policy must be weak because its directors are scattered in the country for the week-end. Germany saw, in the difficulties facing the Blum government, an opportunity to magnify the *Leipzig* incident at a time when the Quai d'Orsay, uncertain of its future head, might delay pointing out that enlargement was distortion. This, as M.

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Blum declared in his Bordeaux speech, was one of the reasons why his Cabinet crisis had to be settled quickly — why the moment was not propitious for an assault on the citadel of the upper chamber.[1]

In all political systems there must be periodic conflicts of policy and competitions between institutions for primacy and power. Within totalitarian systems such conflicts sometimes can be checked only by imprisonment or death. For the most part they are resolved as quietly and as privately as possible.[2] Under representative institutions, on the other hand, conflicts are resolved only after full disclosure of the issues involved and exhaustive debate concerning alternative courses. More frequently than not, the issues are old ones presented in a new setting. That was the case in France when, after his defeat by the Senate on June 21, 1937, M. Léon Blum resigned and was succeeded by M. Camille Chautemps. A Front Populaire Cabinet, headed by a Socialist, was transformed into a Front Populaire Cabinet headed by a Radical Socialist. The Senate, which had refused to give "pleins pouvoirs" to M. Blum, quickly gave them to M. Chautemps. For the sixth time under the Third Republic—the third time in the last twelve years—the Senate put out of office a Cabinet possessing the confidence of the Chamber of Deputies. There was a fresh demonstration of the special difficulty which parliamentary government faces when a Cabinet has to serve two masters. There was also a disclosure of the way in which a legislature's reluctance to delegate its legislative authority must yield to the necessi-

[1] "The grave incident of the cruiser *Leipzig* opened a diplomatic crisis of which it was difficult to foresee the course but which our common and determined will was to bring to a worthy and peaceful solution. How escape the profound belief that France could not throw her full weight in so terrible an emergency if she engaged in a political conflict which would perhaps be prolonged by social conflicts? Perhaps we could ask whether anticipation of internal difficulties in France had not played a part in developing a situation which became more tense from hour to hour." *Le Temps*, July 5, 1937.

[2] Perhaps what transpires is not sufficient to warrant the non-totalitarian foreign offices in imitating the tactics used against them—in, for example, seeking adventitious assistance from the conflict between Nazi moderates and extremists, or from the alarms of the Reichswehr.

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ties of a critical situation and of the shifting position [3] on such an issue that political parties do not hesitate to take. Only the first question — ministerial responsibility before the French Senate—can be discussed here.

I

Under the French constitutional laws of 1875, the Ministers are responsible "before the Chambers". The Duc de Broglie once described a bicameral legislature "as the politics of two clocks, destined never to strike the same hour." Benjamin Franklin preferred the figure of a "cart with a horse hitched to each end and both pulling in opposite directions." This may be advisable when the two horses have different owners, but, as Bodley pointed out, invincible difficulties face the makers of new constitutions when they attempt to create a second chamber. He did not exaggerate when he declared that "it passes the wit of man to construct a second chamber which shall be effective in checking the popular assembly and have some logical basis for its foundation." [1]

The manufactured article which is the French Senate has no "logical basis" and many French public lawyers have proposed different materials and methods of fabrication. No scheme draws support from many, other than its author.[2] On reform there is no agreement. On the Senate's usefulness there are different opinions. On methods of recruitment there are few who defend a chamber composed of three hundred fourteen members who must be over forty years of age and who are chosen for nine-year terms by departmental electoral colleges, one third of which meet every three years. These

[3] The Communists and the Socialists, who had always opposed "pleins pouvoirs" for previous governments, were willing to give them to M. Blum and to M. Chautemps. So far as the Communists were concerned, this shift was not displeasing to Moscow, and was not unconnected with the possibility that a Cabinet not dominated by the Socialists would be less sympathetic to the Spanish Loyalists.

[1] J. E. C. Bodley, *France* (New York, 1898), vol. II, p. 10.

[2] For a discussion of some of the proposals adumbrated in the National Assembly, see Gaston Coste, *Rôle législatif et politique du Sénat sous la Troisième République* (Montpelier, 1913), p. 18.

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colleges consist of the Deputies, the departmental and district councillors within the Department, and delegates chosen by the municipal councils of the nearly forty thousand odd communes in France. A commune with less than five hundred inhabitants has one elector. The larger communes have more, with a maximum of twenty-four for cities with sixty thousand inhabitants and with a special delegation of thirty for Paris. Manifestly, the small communes can dominate the electoral colleges. On the other hand, the apportionment of Senators among the Departments has some relation, but not much, to population. With a population of something over four millions, the Department of the Seine, for example, has ten Senators. That is one-half the representation of ten Departments with two Senators each and an aggregate population of two millions. In the United States, eighteen small states with approximately New York's population, have thirty-six Senators. But the American Senate is based on the federal principle. The French Senate is nothing more than a creature of caucuses. Since the bulk of the members of the electoral colleges are furnished by the communes, Gambetta's dictum is still valid: "The Senate is elected by seventy-five thousand bourgeois." They constitute "the most absurd and disparate electoral college in this country which has seen so many absurd and disparate things." That was Clemenceau's verdict on the method of electing the chamber of which he later was to be a member. Not much harsher was the opinion of a Deputy of the Left, expressed to the Chamber in 1909: "It is a system of limited suffrage, indirect if you wish, without precedent in our history, without analogy in any free country, without connection with any doctrine true or false, and without attachment to any principle."

The Left has never been enamoured of the Senate. For years, indeed, the Socialists were sufficiently irreconcilable in their antipathy to discourage and even to bar the Socialist candidacies for the Senate. A reduction of the financial and legislative powers of the Senate has long been one of the demands of the Left parties. But an organ of government can rarely be transformed or weakened if it has not made

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some spectacular abuse of its powers. The powers of the House of Lords remained untouched for so long because the Lords fought and ran away and thus lived to fight again. Not until the rejection of Mr. Lloyd George's budget of 1909 was the issue joined in such a way that it had to be fought out. No issue of similar importance and clearness has arisen in France. After the Senate denied him "pleins pouvoirs" to deal with the financial situation, M. Blum apparently debated the advisability of joining the issue. But a fight against the Senate would have caused too great damage economically and financially; and the Senate gained respite by the prompt grant to Chautemps of an adequate measure of ordinance-making authority. For any curbing of the powers of the Senate, there will have to be pressure from the country as well as from the Chamber—pressure such as that which persuaded the Senate to accept Blum's legislative program. Senators who disapproved of the laws nevertheless voted for them. How could they do otherwise when the laws were necessary to make the strikers stand up? Resistance might well have meant a trampling of the flowers in the Luxembourg gardens. When there is pressure of this sort from the country, the Senate will accept ministerial proposals and thus prevent the rise of an issue concerning its powers in general.

Before the French upper chamber, Ministers "are responsible." Parliamentary government must work badly—indeed one is surprised to find it working at all—if a Ministry must serve two legislative masters. There is a good deal of truth in Esmein's remark that the House of Lords was imitated by foreign constitutional systems in proportion to the extent to which it was misunderstood.[3] In 1875, the draftsmen of the French constitutional laws thought that they were imitating the essential features of the British Cabinet system. They did not realize that they were erring in making Cabinets responsible "before the Chambers". They did not note that the British Cabinet was responsible only to the House of Commons and not to the hereditary upper chamber. To be sure,

[3] A. Esmein, *Éléments de droit constitutionnel: français et comparé* (Paris, 1928), vol. II, chap. IV (iv).

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when governments were Conservative, the upper chamber exerted no checks, whereas it did restrain Liberal governments. But Liberal governments did not want the *confidence* of the House of Lords. They asked no more than that the Lords accept their legislative program. Instances there were of refusal—education, plural voting, Home Rule—but a government had two weapons which it could use. It could dissolve the House of Commons and appeal to the people on the issue in dispute with the Lords. That was done twice in 1910—on Lloyd George's budget and on the Parliament Act. If after an appeal to the people the Peers failed to yield, the balance could be changed by the King's creating new Peers. Knowing that there was this possibility, the Lords accepted the Parliament Act. In France, the machinery of dissolution (which requires the consent of the Senate) is unworkable; and from any regular quadrennial consultation of the electorate, it would be difficult to procure a mandate to the upper chamber. The composition of the Senate can be changed only as one third of the electoral colleges, meeting every three years, choose Senators of different political persuasions.

But if nothing is to be said for the proposition that a French Cabinet *should be* responsible to the chamber, one distinguished French constitutional lawyer has said a great deal in support of the argument that the Cabinet *is not* responsible to the Senate. M. Esmein was practically alone in maintaining this position, but his views are of sufficient interest to warrant brief consideration. He maintained that ministerial responsibility to an upper chamber was contrary to the theory of parliamentary government. To this view there can be no exception. He argued further that until 1875 French writers did not advocate responsibility to both branches of the legislature. There was thus no intention to bring it about. Moreover, ministerial responsibility before the Senate was hardly consistent with Articles 8 and 9 of the constitutional law of February 24, 1875, which gave the Chamber of Deputies primacy, or at least priority, in respect of money bills, and made the Senate a court of justice to try the President of the Republic or his Ministers. If a Cabinet may be held criminally respon-

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sible to the Senate, then it should not be politically responsible as well. Finally, Esmein made the point that responsibility to the Senate is incompatible with the constitutional provision that the Chamber of Deputies can be dissolved only if the Senate consents. On these grounds he argued that the National Assembly blundered into adopting vague language, when the constitutional provision in question was approved without debate on the second and third readings. "The truth is that Article 6 of the law of February 25, 1875 simply has for its object the proclamation that the government of the French Republic is a parliamentary government. It reproduces the classic formula which served up until then to define parliamentary government. The article does not have for its object the fixing of details and the mechanism which consequently continued to be governed by traditional rules."[4] If the Senate acts to put out a Ministry, it adds to its powers of control. Senatorial control of Ministers should be confined to questions, interpellations and parliamentary inquiries. A limitation of the powers of the Senate to these matters would conform very well with the general view that the Constitution takes of the Senate—as essentially a deliberative and moderating body after the Chamber of Deputies has determined the orientation of governmental policy.

Perhaps Esmein's view would have had some chance of being adopted, had French Cabinets acted on the principles

[4] *Op. cit.*, vol. II, p. 266. Another, only slightly less distinguished, French public lawyer has expressed different views: "If the President of the Council takes the initiative in putting the question of confidence, he thereby assumes the implied obligation to resign when he receives a vote of no-confidence. No valid reason can be advanced why he should not be able to invite the challenge before the Senate as he can before the Chamber of Deputies, the more as both chambers have equal legislative powers and the appeal for a vote of confidence is a means of pressure for forcing the passage of a bill. Inasmuch as the Cabinet has not the expedient of creating senators in the manner in which peers could be created in the Chamber of Peers, it is inconceivable that the Cabinet should be deprived of the one means at its disposal for compelling the Senate to action. Therefore practice has developed the appeal for a vote of confidence in the Senate. The precedent was set by Clemenceau on June 26, 1908. (There are other precedents, but they are dubious. The new rule is one of authority because the President of the Council formally introduced it.)" Maurice Hauriou, *Précis de droit constitutionnel* (Paris, 1923), p. 419.

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which he later asserted. Perhaps Ministries were foolish in not resisting the authority of the Senate to hold them politically responsible. Probably, however, it seemed good strategy for Cabinets not to make such a challenge. They could go before the Senate and declare that, in refusing to do their bidding, the Senate would be withdrawing its confidence, and that resignation would necessarily follow. On occasion, such a threat might be effective. Whatever the strategy, French Ministries recognized that they were responsible to the Senate as well as to the Chamber, but more than twenty years elapsed before there was a clear case of ministerial resignation because of pressure by the upper branch of the legislature.

II

Before the Blum government, five Cabinets possessing the confidence of the Chamber of Deputies left office because of difficulties with the Senate. One government fought three rounds and could have continued, but suddenly caved in and, thereby giving the Senate the decision on points, enabled it to be more confident of its prowess. A second Cabinet used a defeat in the Senate as an excuse rather than a necessity for resignation. A third, knowing that the Chamber and the country were in no mood to support it, unreluctantly suffered a defeat on financial policy. The next two, backed by a complaisant Chamber, so far as recorded votes showed, faced and yielded to a Senate that was more Leftish than the body which had "issued from universal suffrage." In M. Blum's case, his Chamber support from the Communists and Socialists was so strong that he needed only a few Radical Socialist Deputies to give him "pleins pouvoirs". In the Senate, the Communists (2) and Socialists (13) were so few that he needed many Radical Socialist votes. He did not get them and resigned.

But the instances in which Ministries actually leave office because of the Senate are an inadequate index of the influence of the upper chamber. The Senate may make them trim their sails so that the winds in the Chamber lose their effectiveness and the Deputies desire another ship. Or the Senate may be an "aid to a Ministry pitted against the Deputies," — in

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short—"a stabilizer of ministerial instability."[1] Equally, as events during the last fifteen years have shown, the Senate may be an unstabilizer of ministerial stability.

If, in their dealings with the Senate, Ministers had proceeded on Esmein's theory, Cabinet government in France would have worked more smoothly. It is too much to expect, however, that Ministers will pause, in the heat of a struggle with an opposing chamber, to reflect and choose between constitutional niceties. When a Ministry encountered Senatorial resistance but thought that it might not be insisted on at the price of a change of government, the temptation was great to put the issue in terms of a "vote of confidence". Thus on June 15, 1879, there was pending before the Senate the revision of Article 9 of the constitutional law of February 25, 1875, making Versailles the seat of government. In order to cause the Senate to act, the Cabinet appealed for a "vote of confidence". Presumably there would have been a resignation if confidence had not been accorded. Dupuy, Waldeck-Rousseau, Rouvier and Clemenceau all made legislation in which they were interested involve the question of confidence.[2] But none of these Premiers preceded Léon Bourgeois.

Before 1896 there were no real precedents. Since 1896 writers have discussed certain gradations in the degree of ministerial responsibility to the Chambers. Thus, they say that a Ministry which is defeated in the Chamber of Deputies is obliged to resign unless perchance the vote is one which by its terms does not involve the question of confidence. Is there a difference in respect of the Senate? The argument has been made that defeats can take place in the Senate without affect-

[1] H. L. McBain and L. Rogers, *The New Constitutions of Europe* (New York, 1922), p. 51.

[2] Yves-Guyot, "The Relations between the French Senate and the Chamber of Deputies", *Contemporary Review*, February 1910; Coste, *op. cit.*, p. 93. Léon Duguit, *Traité de droit constitutionnel* (Paris, 1924), vol. IV, p. 858, cites several doubtful cases. M. Duguit argues that when the Freycinet Ministry stayed in office after the Senate had rejected a clause of its education bill in 1880, it acted unconstitutionally. When the Tirard Cabinet resigned on March 15, 1890, the occasion was the refusal of the Senate to accept a treaty with Greece. No question, however, was raised in respect of ministerial responsibility.

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ing the Ministry unless the question of confidence is specifically raised. In the Chamber, the question of confidence must specifically be not raised.[3] This is differentiation after the event, because, as M. Esmein maintains, before 1896 there was no clear case of a Ministry being put out of office by the Senate, and there were examples of Ministries being defeated on important legislative projects and nevertheless staying in power.[4] In 1896, however, the Senate did unquestionably cause the resignation of the Bourgeois Cabinet.

In February of that year, the Senate passed a vote censuring the Minister of Justice for an act which the Senate considered an interference with the courts of justice in respect of an investigation of the Southern Railroad frauds. The Chamber of Deputies immediately expressed its confidence in the government and the Senate thereupon confirmed its former vote. The matter was again brought up in the Chamber of Deputies and M. Bourgeois declared that he did not contemplate resignation so long as he had the confidence of the Chamber, which thereupon reaffirmed its vote. This led a number of Senators who had been opposed to the Cabinet to present to the Senate a declaration protesting that the failure of Ministers to admit their responsibility to the Senate was a violation of the Constitution.[5] The declaration intimated, however, that the Senate did not wish to suspend the legislative life of the country and when it did no more than adopt an order of the day approving this resolution, the Senate for the time being did not attempt to hold the Ministers responsible.

Shortly thereafter the Ministry brought in a bill which provided for the imposition of a progressive income tax. On March 26, 1896, the Chamber approved the principle of such

[3] These distinctions are discussed by Jean Devaux, "Le Rôle du Sénat et la responsabilité du ministère sous le régime des lois constitutionnels de 1875", *Revue du Droit Public*, 1925, p. 653.

[4] Esmein, *op. cit.*, vol. II, p. 273.

[5] "The Ministry intends to govern without the Senate. It has believed itself able to appeal from one Chamber to the other; it pretends that ministerial responsibility cannot be invoked before the Senate. We protest against this blow at the clear provisions of the constitutional law. We affirm anew our right of control and the responsibility of ministers before the two Chambers."

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a measure but by the narrow margin of sixteen votes. Some of the Deputies who were recorded in favor were thought to be really opposed. As a result, the Senate believed that it had a favorable opportunity for continuing its struggle against the Ministry. Consequently, an order of the day was adopted, this time on foreign affairs, expressing lack of confidence in the Bourgeois government. On April 21 the Senate resolved to postpone a vote on the credit asked for military operations in Madagascar "until it had before it a constitutional Ministry having the confidence of the two Chambers." M. Bourgeois did not try to continue the fight. He resigned. He declared to the Chamber that since it would be impossible for him to insure proper military service in Madagascar, his patriotic course was to withdraw. The Chamber again carried a vote reaffirming its faith in the Ministry and urging the need of democratic reforms.[6] But a few days thereafter a more conservative government obtained a vote of confidence from the Chamber by a majority of 43. As in the Herriot incident thirty years later, the Chamber was not sorry to have the Ministers go; it had no disposition to engage in a real struggle with the Senate.

That was the first case. The second was Briand's resignation in March 1913, which raised somewhat different questions. He went out because the Senate refused to accept his proportional representation bill. That was hardly comparable to Bourgeois's resignation in 1896. Not infrequently, as has been said, the Prime Minister informs the Senate that he will consider a particular matter as involving the question of confidence. The Senate is thus forced to decide between continuing the Cabinet and acquiescing in its retirement. Briand took this view in 1913 but the will of the Chamber did not prevail, and Briand resigned. It may thus be said that he sacrificed office to principle. He was not anxious to fight to stay as Prime Minister, yet, a year later, when Doumergue was de-

[6] On the occasion of M. Blum's resignation, the full details of the Bourgeois struggle were reviewed by Maurice Hamburger, "Chambre et Sénat: le conflit entre les deux Chambres en 1896", *Le Temps*, June 23, 1937.

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feated on an income tax bill, Briand reproached him for not having put the question of confidence.

The third clear case of resignation because of a defeat in the Senate was that of the Herriot Cabinet in April 1925. The Senate voted against the Herriot Cabinet by 156 to 132 on a question of exceeding the legal limit of bank-note circulation. M. Herriot promptly resigned. He was in no position to raise an issue over the constitutional question of the similarity or difference of ministerial responsibility to the two branches of the legislature. His last vote of confidence by the Chamber of Deputies had been gained by the disappointingly small margin of 44. He knew that he could not count for long on a majority in the Chamber, and he therefore promptly yielded.[7]

Five years later, the Senate again asserted itself. This time it manifested general dissatisfaction with the policies of the Tardieu Cabinet. What the Left could not accomplish in the Chamber, it achieved in the Senate. Failure to inform the Parliament of the political situation in Germany; responsibility for the Oustric scandal; neglect of the agricultural crisis; and espousal, through the choice of prefects, of "une politique antirépublicaine et antilaïque" were the charges of the interpellator, M. René Héry. It was Clemenceau who once

[7] In 1923, M. Poincaré made a gesture of resignation because of a rebuff in the Senate. The Cabinet desired the Senate to sit as a high court of justice for the trial of Communists for attempts against the safety of the State. The Senate declined and M. Poincaré resigned, but when requested by President Millerand, he consented to remain in office. On June 10, 1923, Poincaré put the question of confidence to the Senate on the vote of the biennial budget of 1923-1924. The same thing was done in February 1924 in respect of *scrutin d'arondissement,* and in March of that year on the decree laws. In each case he was successful. The Senate gave way. In the Chamber of Deputies on March 21, 1924, Poincaré was criticized for having put the question of confidence in the Senate. He accepted the thesis that it was constitutionally impossible for the Senate to take the initiative and to overturn a Cabinet. He claimed, however, his right to put the question of confidence where and when he pleased. "You would be right", he told his critics, "if the Senate had wished to overturn the Cabinet. But a Government always has the right to refuse to govern except with a majority of the two Chambers. This is why I put the question of confidence." *Journal Officiel,* p. 1481. But to interpret the constitutional provision in this sense may make the task of the government much more difficult.

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remarked that whatever the ostensible cause of a change of Ministry—a defeat on the budget, an interpellation on foreign affairs—the real cause was dissatisfaction with the choice of prefects. He would have been more accurate had he said "occasion" rather than "cause", but beneath the exaggeration there is a core of truth. It was there in this case, because M. Héry's prefect had been displaced.[8] The vote against the government was 147 to 139. M. Tardieu resigned and remarked philosophically: "At least I can sleep late tomorrow morning."[9]

M. Tardieu was in no position to object because he had several times recognized the right of the Senate to upset a Cabinet.[10] When, on March 27, 1930, the Senate was criticizing an increase in the number of Ministers and Under-Secretaries in his second Cabinet, he put the question of confidence and addressed the upper chamber as follows: "On a subject which is political, I address myself to the Senate which is a political assembly . . . equal in rights to the other assembly. I shall disappear when you wish." He got a vote of confidence then, and again on July 8, 1930. On December 4 he told the Senate that "the thesis according to which the Senate cannot reverse a Minister is not my thesis. The two Chambers have equal rights and before both of them I endeavor to explain myself clearly and await their verdict." And in a peroration: "We have carried the torch. . . . We shall pass it on to our successors if you wish."[11] Pass on the

[8] *Le Temps*, Dec. 1, 1930, p. 4.

[9] Louis-Lucien Hubert, "Les Ministères devant le Sénat", *La Revue de Paris*, Apr. 1, 1931, p. 639. Briand's favorite remark on going out of office was that he would take a seat, smoke a cigarette, and wait for the funeral of his successor.

[10] *Le Temps* ("La Crise", Dec. 7, 1930) criticized the Senate for attacking a Cabinet which "corresponded exactly to the wish of the majority of the Chamber", but added: "That the Senate has the right to bring on the fall of a Cabinet on a question of general policy has become a well-established constitutional practice. But that does not prevent the general policy of the Republic from being principally controlled—and represented—by the majority of the Chamber elected by universal suffrage."

[11] Joseph-Barthélemy et Paul Duez, *Traité de droit constitutionnel* (Paris, 1933), p. 710.

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torch he did and obtained the privilege of additional matutinal slumber.

A little more than a year later, the Senate showed the same dissatisfaction with M. Laval's government. Again the Radical Socialists in the Senate were strong enough to accomplish what was impossible in the Chamber. Their specific grievance was the passage, over their protests, of an electoral reform measure which, it was anticipated, would reduce their chances of success in the May 1932 elections. Laval asked that an interpellation on the general policy of his Cabinet be postponed so that he could go to Geneva for a disarmament meeting. He made postponement a matter of confidence and lost by a vote of 157 to 134. His resignation at once followed (February 16). Thereafter, the Senate had in its cap the feather of having reversed a Ministry headed by one of its members. The previous Presidents of the Council whose fall it had caused (Bourgeois, Briand, Herriot and Tardieu) had all been Deputies.

III

Such was the background of ministerial responsibility to the Senate. The doctrinal debate was closed. As a matter of practical politics, Cabinets could not govern for long in the face of Senatorial hostility. The moderate elements in the Senate had upset the Bourgeois and Herriot governments. The Left elements had caused the fall of Briand, Tardieu and Laval. Nor could any distinction be drawn in that some defeats had not been on specific issues. Even in the case of Briand (proportional representation) and Herriot (financial policy) the Senate acted because it was in general disagreement with ministerial policy and wanted a change of government.

From the outset of the Front Populaire government, the Senate was in general disagreement with ministerial policy. M. Blum's combination was dominated by the Socialists and supported by the Communists. His majority was the most Leftish in the history of the Third Republic. In the Chamber elections of May 1936, the moderate parties had sustained

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great losses and the sweep of opinion in the country had been exaggerated in the shift of groups in the Chamber of Deputies. The practice of "discipline républicaine" on the second ballot—that is, the withdrawal of all but one of the Left candidates—had been highly successful. One third of the Senate had been elected before the break-up of Poincaré's "Ministry of National Union". One third dated from 1932; and, despite some victories of the Socialists in the May 1935 municipal contests, the Series C Senatorial colleges, which assembled in October of that year, sent to the Luxembourg few candidates who would welcome a Socialist government.[1]

Concerning the Senate, M. Blum's personal feelings were well known. "We Socialists are in favor of abolishing the Senate", he had written in the *Populaire* when (1934) he was opposing the Doumergue proposals for an increase of the powers of the Premier. In 1918, his anonymous *Lettres sur la Réforme Gouvernementale*[2] had broken a lance against the upper chamber, and he did not hesitate to repeat his views when, on becoming Prime Minister, he permitted the republication of this volume. Although "the Senate has gradually drawn to itself a large, and even a much too large portion of the governmental personnel, I do not think, for my part, that it should have a direct and normal participation in the task of government. The essential reason is that the Senate does not fully incarnate sovereignty, and that consequently, the responsibility of Ministries to it is no more than illusory."[3]

[1] The official statistics of the gains and losses were as follows:

	Avant	*Après*	*Diff.*
Conservateurs	3	1	—2
U. R. D.	20	16	—4
Démocrates populaires	2	5	+3
Républicains de gauche	16	18	+2
Radicaux indépendants	7	7	0
Radicaux socialistes	43	39	—4
Républicains socialistes	1	1	0
Indépendants de gauche	3	4	+1
Socialistes de France ou socialistes français	5	4	—1
Socialistes S. F. I. O.	6	10	+4
Pupistes	1	1	0
Communistes	0	1	+1

[2] Originally published in *La Revue de Paris*, but the veil of anonymity was not thick. See POLITICAL SCIENCE QUARTERLY, vol. XXXVIII (1923), p. 438.

[3] *La Réforme Gouvernementale* (Paris, 1936), p. 166.

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When Blum took office in June 1936, he told the Chamber that his government would not request "pleins pouvoirs". The Left had always opposed them when they had been requested by other governments, and the Chamber was too fresh from the electorate to be asked to delegate at once. But rapid work was necessary and the government proposed to present to the Chamber a series of short laws posing principles and looking to administrative legislation to put the laws into effect. The Premier promised that not a single measure would be applied until it had been voted explicitly and formally by the Chambers.

In the Chamber the Front Populaire majority held together. In comparison with the Chamber, the Senate had the political complexion of the Center. The country had given the Chamber a definite mandate. Would the Senate bow to that mandate or would it substitute its own judgment? Would it interpose a barrier to the fulfillment of the popular expectations which had resulted from the victory of the Front Populaire? It did not. It deliberated, suggested and then yielded if M. Blum insisted.

As a result, the legislative product was amazing. Sixty-five laws were passed in a ten-weeks' session. Some of these laws were of far-reaching importance—the forty-hour week, the weekly holiday, collective bargaining, the raising of the school age, the reform of the Bank of France, the nationalization of the arms industry, the wheat administration, and the reorganization of the coal industry. Given the political complexion of the Senate, it was remarkable that M. Blum got his laws through with as little emasculation as he had to consent to. One reason was that while the Senate deliberated, strikers were sitting down. That was a more effective pressure on the Senate than any speeches from Front Populaire Ministers. The only really serious battles which the Blum government had with the Senate were in December 1936 — over the bill for the compulsory arbitration of labor disputes and over the budget for 1937. The Senate yielded sufficiently on the former measure and the government got the budget through on time. *Douzièmes provisoires* were avoided. Not infrequently

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they had had to be resorted to when the Chamber and the Senate were more in accord politically. M. Blum's budget law was shuttled back and forth four times between the Palais Bourbon and the Luxembourg, for the Senate objected particularly to the "tacking" on to the finance bill of forty-six bits of legislation, half of which had been proposed by the government and half initiated in the Chamber. In the end compromises were reached and, as has been said, the budget was passed on time, although the first calendar day of the new year was swallowed up in an extended legislative day which continued from December 31 to January 2.

But, as the Blum government was ending its first year in office, the financial situation suddenly worsened. The government therefore decided that it must have decree-making powers to check speculation, to control the franc, and to force the repatriation of capital that had been exported. The Chamber agreed. In the Senate, the Finance Committee was under the presidency of M. Caillaux. He, as a newly appointed Finance Minister, had twice demanded "pleins pouvoirs". Both times the Chamber had said him "nay". M. Blum and the Socialists had led the opposition. Now the men who had kept him from being the savior of the franc were asking from him what they had refused him. M. Caillaux did not have to have the memory of the Pope's mule because, while the first refusal had been in 1926 (Herriot Cabinet), the second had been in 1935 (Bouisson). During three days' deliberation, the Senate Commission pared down the blanket grant which had been approved by the Chamber and reported it with so many limitations that it was unsatisfactory to the government. The Senate supported its Commission. Since M. Blum had not put the question of confidence, he could go back to the Chamber and ask it to insist on its original resolution. This he did. Again the Senate resisted. M. Blum decided not to continue the struggle between the Chambers. Even though the question of "confidence" had not been raised, the Cabinet announced that "despite the constant fidelity of the majority of the Chamber", the Senate's vote made it impossible for it to continue its work. Of the thirty-five Ministers and Under-

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Secretaries of State in the new Chautemps Cabinet, twenty-three had been members of the Blum government. M. Blum became Vice-President of the Council. It was still a Front Populaire government but with an orientation more away from the extreme Left. To it, ten days later, the Senate gave "pleins pouvoirs". Then the situation was more critical and it was granting the powers to a Radical Socialist Prime Minister and not to a "Ministry of combat".

IV

In his Bordeaux speech, M. Blum told why he had decided not to continue the fight against the Senate. He could not have counted on the support of all the parties which adhered to the Front Populaire. "Many Republicans would have doubtless thought that the duty of the government was not to prolong the conflict opposing one to the other of two assemblies between which the Constitution did not settle the question posed by Gambetta fifty years before — the question of 'the last word'—but on the contrary, to search a compromise, a base of conciliation." A conflict by constitutional means "would have spread to the country, it would have been expressed by grave popular movements which would inevitably increase in extent and energy." For that, given the financial and international situations, his government was unwilling to accept responsibility.

It was for popular consumption rather than with any hope of action that M. Blum formulated a motion to present to the Socialist Congress at Marseilles: "It is not possible longer to admit that the trick of the Republican Constitution or its improper interpretation shall impede or break the will of universal suffrage." The Front Populaire parties "should therefore seize themselves of the conflict and prepare all the measures of a legislative or constitutional character suitable to prevent its recurrence."[1] Resolutions and oratory there will be, but there seems little likelihood of a diminution of the legal authority of the Senate.

[1] *Le Temps*, June 27, 1937.

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"We desire to be able to give democracy barriers and dikes", declared a member of the National Assembly. "The second Chamber! There is the barrier; there is the dike." M. Blum showed that a strong Cabinet, backed by a genuine majority in the Chamber and with clear support from the country, could get legislation of a far-reaching character past the barrier. Senators made no secret of the fact that they disapproved of certain measures, but they nevertheless voted for them, as the country expected them to do. They withheld "pleins pouvoirs". That refusal was complicated by personal factors and by party strategy. On M. Blum's part, there may well have been little reluctance to let a Radical Socialist have the honor and the responsibility of fathering the drastic measures necessary to protect French economy. If he fails, the Socialists will not be directly to blame. If, perchance, he succeeds, France will be the gainer. Either contingency postpones a struggle against the Senate.

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LAND RECLAMATION IN FASCIST ITALY*

FOR centuries the Italians have struggled against wind and water for possession of the soil. Almost everywhere in Italy the hills and mountains—long ago deforested—are subject to continuous erosion; the sediment-laden streams are forever threatening to form water-damming barriers in the plains. Thus rocky highlands and barren marshy wastes have developed in many parts of the country. But for generations old fields have been saved from destruction and new lands have been wrested from swamp and steppe by the building of dykes, terraces, drainage canals and irrigation ditches. The names of emperors, popes and princes are associated with ambitious land reclamation projects—some brilliant successes, others dismal failures. Always, however, the unending, patient labor of the peasant masses has been basic in this work of saving and winning land.

Thus some of the most fertile areas today were reclaimed long before Italy's unification. But the earlier works generally were restricted in scope and limited in effect. The inception of modern, large-scale extensive land reclamation must be linked with the rise of capitalistic agriculture in the North. A profound transformation of agriculture—in large part based on the investment of private capital in drainage and irrigation works—accompanied the political and industrial development of North Italy in the first half of the nineteenth century. By 1860 the basis of an intensive, commercialized agriculture had been laid in the Po valley. Many of the major tasks of reclamation had been completed and in a number of important

* The present study is based on part of a book, *Agriculture Under Fascism*, which will be published in the autumn of 1937 by the Columbia University Press. The aid of the Social Science Research Council in this work is gratefully acknowledged.

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areas the only further requirement was maintenance of dykes and canals.[1]

Although the wealthy landowners associated in consortia were successful in clearing and irrigating much land, the drainage of vast marshy areas—such as those around the mouths of the Po—was beyond their financial resources. The government was not slow in providing assistance. Even before 1860, government aid for private drainage schemes was extended in Piedmont, Lombardy, Venetia and Tuscany. Since the unification the national government has participated in reclamation work on a steadily increasing scale.

After 1900 other factors—such as the need to provide employment for the growing army of jobless farm laborers, and recognition of a public responsibility in combating malaria and in improving the physical basis of agriculture in the South—broadened the sphere of government reclamation activity. At the same time, the concept of reclamation was changing. Originally, there was little regional or national coördination of the work. Each drainage project was looked upon as a separate entity, and insufficient consideration was given to the possibility that its success might be contingent on simultaneous works in adjacent hilly areas, or on intensive cultivation of the lands once they were drained. Too frequently, the result of this narrow view of the problem meant a wastage of labor and capital. Gradually it was realized that the government must, if drainage works were to be effective, insist on complete reclamation of surrounding regions and be ready to force landowners, under threat of expropriation, to carry on the necessary subsequent improvement of the land. Comprehension of the intricate economic and technical problems and implications of land salvage showed that reclamation must go beyond drainage and irrigation in the plains to control of torrents and reforestation in the mountains, and finally also to provision of roads, drinking water, barns, stables, and even a cultivating population in the reclaimed districts. The term *boni-*

[1] In the economically backward South little had been done except in the vicinity of cities.

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fica integrale ("integral land reclamation") — connoting *all* the works necessary to transform an uncultivated or inefficiently cultivated region into intensively farmed land—thus gained currency. These tendencies toward greater state initiative and authority and toward wider scope of the works are reflected in the development of the legislative basis of reclamation.[2] By 1912 all major elements of the recent Fascist reclamation program had been conceived.

Actual achievements in reclamation work before the Fascist era, while not so extensive as contemplated by the legislative appropriations, were considerable—certainly much more important than recent Italian commentators are willing to admit. In 1911 a leading agricultural economist stated that during the

[2] As early as 1865 the national government provided for flood control through the construction of dykes and regulation of river courses at public expense. In 1873 a law pertaining to the reclamation of the Agro Romano authorized expropriation of recalcitrant landowners. But Italy's modern reclamation legislation begins with the "Baccarini Law" of 1882, which laid down important guiding lines for all subsequent legislation. It provided for state execution of more important works on some 800,000 hectares, three fourths of the costs to be borne by the national and communal governments, and one fourth by the landowners. The government's task was to end with drainage; any further work necessary was to be undertaken by the landowners alone. Between 1882 and the World War numerous acts gradually broadened the field of state activity and the nature of the works to be undertaken. Thus, a law of 1883 called for improvement of drained lands in the Agro Romano, under pain of expropriation; one of 1900, authorizing expenditure of 250,000,000 lire for reclamation in the South, conceived of the works as including road-building, prevention of landslides and reforestation; others in 1912 included among the objects of reclamation the supply of drinking water and made obligatory on proprietors the further improvement of reclaimed land. *Cf.* M. R. Buccella, "Lo svolgimento ed il sistema della bonifica integrale", *Giornale degli Economisti*, August 1929, pp. 587 *et seq.*; F. Vöchting, *Die Urbarmachung der römischen Campagna* (Zürich, 1935), pp. 521-527. In 1911 a special commission representing the Ministries of Public Works and Commerce, Industry and Agriculture was established in order to prepare a coördinated national plan for reclamation, reforestation and regulation of streams. In the years immediately after the World War there were numerous legislative proposals that were intended to broaden the social character of reclamation. Most important was a bill adopted by the Chamber of Deputies in 1922 which would have provided for large reclamation subsidies by the government, expropriation of landowners in favor of coöperative societies of peasants, and execution of the projects by these coöperatives. This bill was withdrawn by the Fascist government a few weeks after the "March on Rome".

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period 1862-1911 the national and local governments had spent 240,000,000 lire for reclamation purposes, and that 550,000 hectares had been drained.[3] The Fascist minister of finance in 1924 estimated that expenditures of 1,162,000,000 lire had been authorized during 1860-1924, that 666,000,000 had actually been spent, that by the end of 1922, 597,000 hectares had been drained (of which 324,000 were already under cultivation), and that reclamation works were then progressing on 623,000 hectares.[4] Results in terms of public health and agricultural productivity were noteworthy. Between the decades 1882-1891 and 1912-1921 the malarial death rate in North Italy fell 86 per cent, and the population and number of farm animals in the reclaimed zones increased by 64 and 134 per cent, respectively. It is also estimated that, as a result of reclamation, the value of agricultural production in the North was increased between these two periods by 900,000,000 lire a year.[5]

[3] G. Valenti, "L'Italia agricola dal 1861 al 1911" in *Cinquanta anni di storia italiana* (Milan, 1911), p. 117.

[4] A. de' Stefani, *L'azione dello Stato Italiano per le opere pubbliche, 1862-1924* (Rome, 1925), p. 120. The reclamation outlays fluctuated considerably from year to year, varying largely with the state of the public finances. However, there was a marked upward trend throughout the period after 1862. Thus, actual expenditures in various pre-war years are estimated to have been: 1870, 500,000 lire; 1880, 12 millions; in the fiscal year 1890-91, 7 millions; 1903-04, 10 millions; 1914-15, 20 millions. Buccella, *loc. cit.*, p. 596. Post-war outlays, in gold lire per year, were: 1918-19, 65 millions; 1919-20, 50 millions; 1920-21, 76 millions; 1921-22, 50 millions. Ministero delle Finanze, *Il bilancio dello Stato dal 1913-14 al 1929-30* (Rome, 1931), p. 370. These estimates refer to major reclamation projects. Another investigator places the total area of uncultivable land in Italy in 1882 at 3,700,000 hectares, of which area 2,100,000 hectares had been reclaimed by the end of 1922. P. Ucker, *Die italienische Agrarpolitik seit 1925* (Aarau, Switzerland, 1935), p. 26. For another estimate, see G. Salvemini, "Can Italy Live at Home?", *Foreign Affairs*, January 1936, pp. 252-253. The variety of works comprised under the general term "reclamation", and the broadening of the concept itself, make difficult strict comparison of the achievements in various periods. It should be noted that little was accomplished before the War in the field of reforestation: during 1867-1910 only 34,000 hectares were reforested by the state. Valenti, *loc. cit.*, p. 117.

[5] Buccella, *loc. cit.*, p. 597.

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Although the northern provinces were the chief beneficiaries of the pre-war reclamation work, much good will was shown toward the South in appropriations and in actual expenditures.[6] Slight progress was made, however, because of the failure to reduce the torrential character of the mountain streams, the resistance and inertia of absentee proprietors, and the persistence of malaria even after land had been brought under more intensive cultivation.

The methods and results of land reclamation in the half-century before the Fascist régime cannot be characterized as ill conceived or insignificant. Indeed, viewed historically, the Fascist reclamation policy is but an extension of pre-war tendencies. Legislation and administration in recent years have reflected the trend toward a widening concept of the problem and increasing government intervention that had begun well before the War.[7] Moreover, as in earlier times, the degree of governmental activity has been markedly influenced by the financial exigencies of the landowners, the extent of unemployment and the condition of the public finances. Measured in terms of financial and physical magnitude, however, the Fascist reclamation program is undeniably impressive.

Organization and Methods

For four or five years after the "March on Rome" the Fascist government showed little concern for reclamation—less, indeed, than its immediate predecessors. To be sure, laws that broadened the field of state activity and provided for more thorough execution of reclamation works were enacted in 1923 and 1924.[8] But this legislation had little financial support, for

[6] Reclamation expenditures in the South during the period 1862-1924 were equal to those in North and Central Italy. De' Stefani (*op. cit.*, p. 131) estimates the total outlays by regions, in millions of lire, in the period 1862-1924 as follows: North Italy, 94.6; Central Italy, 231.4; South Italy, 325.6.

[7] In their more considered statements, the Fascist reclamation experts admit this. But the ardent propagandists imply that, at least in Italy, land reclamation is a Fascist innovation.

[8] A law of December 30, 1923 made a distinction between reclamation projects with a substantial "social interest" (which were to be carried out, directly or indirectly, by the government) and minor projects (to be undertaken by

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the government was concerned with effecting budgetary economies, and unemployment was not a serious problem. For several years, in fact, government outlays for reclamation declined.[9] Work was largely limited to maintenance and continuation of projects already begun. For example, 172 projects were in course of execution on June 30, 1926; of this number, 132 had been begun before October 28, 1922, and 36 before 1900; only 38,000 hectares were affected by the works started after October 28, 1922.[10]

With the onset of agricultural depression—and all that it meant in financial strain on agriculturists and unemployment of rural workers—the government began to take interest in a large-scale reclamation program. Mussolini sounded the call for this new activity in October 1926, when he declared: "It is our task to change beyond all recognition the physical and spiritual face of our country within the space of ten years. . . ." During 1927 official and unofficial announcements were made of a vast, "integrated" program, that eventually would give

private enterprise with governmental assistance). The so-called "Lex Serpieri" of May 18, 1924 widened the field still further. "In addition to the redemption, from the economic and hygienic standpoint, of the marshy areas only, the object of this law is to secure the intensification of production in those regions where waste lands exist, whatever may be the cause . . . of such conditions." Thus, there would be classified as "districts of agricultural transformation" all areas in which agriculture is in a backward condition, but which appear capable of improvement. G. Costanzo, "The General Scheme of Land Improvement in Italy", International Institute of Agriculture, *Monthly Bulletin of Agricultural Economics and Sociology*, April 1929, p. 168. This law also provided that the work would generally be undertaken by state-supported consortia of landowners, which might be formed under compulsion. Obstreperous landowners might be expropriated in favor of such consortia, or, if this were not likely to be effective, in favor of private joint stock companies or private capitalists who would agree to carry out the necessary work. This law is similar to the bill withdrawn by the Fascists in 1922, except that it allows expropriation by capitalistic enterprise, and makes no provision for expropriation in favor of peasants' societies.

[9] Expenditures by fiscal years were as follows (in millions of gold lire): 1922-23, 45; 1923-24, 26; 1924-25, 40; 1925-26, 33; 1926-27, 55. Ministero delle Finanze, *op. cit.*, p. 370. The cost of drainage was rising throughout this period; therefore even less was accomplished than these figures suggest.

[10] Ministero dei Lavori Pubbliche, *Le opere pubbliche al 30 giugno 1926* (Rome, 1927), pp. 212 *et seq.*

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new land to millions of Italian peasants. The "Mussolini Law" of December 24, 1928 authorized a financial plan for the ambitious program: a total of 7,000,000,000 lire was to be expended over a period of fourteen years, 4,350,000,000 to be advanced by the government and 2,650,000,000 by the landowners. It also fixed the proportions of governmental and private expenditures for various classes of projects, extended the scope of reclamation to include all work necessary to initiate intensive cultivation and coördinated older reclamation laws and regulations. Late in 1929 an Undersecretariat for Land Reclamation was set up in the Ministry of Agriculture for general administration of the program. More recent laws have modified the financial scope and technical processes set forth in the Mussolini Law. However, the basic pattern has remained essentially the same.[11]

The legal framework of the program is, briefly, as follows: All projects are classified, on the basis of their presumed social importance, as (1) "land reclamation" works, and (2) "land improvement" works. The former—which are expected to be of broad public significance in terms of production, hygiene and colonization—are to be carried out largely at governmental expense, with compulsory contributions by landowners, in legally delimited districts under a general, coördinated plan. The latter class of works is to be executed voluntarily by the owners, supported by governmental subsidies, primarily for the benefit of one or more farms and independently of any general reclamation plan.[12] It is intended that the expenditures of

[11] For texts of the more important laws see International Institute of Agriculture, *Annuaire internationale de legislation agricole*, 1923, 1924, 1928, 1929, 1933. Summary descriptions are to be found in: International Institute of Agriculture, *Monthly Bulletin of Agricultural Economics and Sociology*, April 1929, pp. 167-172; May 1935, pp. 161-174; C. Longobardi, *Land Reclamation in Italy* (London, 1936).

[12] For works of the first class, the government's share ranges as high as 84 per cent of the total outlay in North and Central Italy, excepting the Julian Venetia, the Tuscan Maremma and Latium, and up to 92 per cent in these latter regions and in the South and Islands. The entire cost of mountain works, reforestation and regulation of streams is borne by the government. For "land improvement" works, the subsidy to the landowner is generally a third of the total cost.

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the landowners will be remunerative in terms of increased income from the reclaimed lands. Furthermore, two main types of reclamation works are recognized: (1) those directed toward *converting* thinly populated and extensively or little cultivated areas into regions of intensive farming ("transformative" works), and (2) those intended to help *maintain* efficient cultivation in more advanced farming areas ("protective" works).

The territory to be reclaimed is divided into districts, and the landowners in each district are called upon to organize a consortium. These consortia are the basic executive agencies in the program, planning the project, acting as coördinators for proprietors, government and credit institutions in financing operations, and often directly undertaking construction work.[13] A consortium may be formed either voluntarily by the proprietors of a major portion of the land in a particular district, or under government compulsion. Its management is chosen by the owners concerned, and its activities are subject to supervision by the Undersecretariat. The decisions of a consortium bind all landowners of the district. Thus, in order to oblige owners to shoulder the burden of reclamation, a consortium may initiate a project, for which all landowners become at once financially responsible. If a proprietor is unable or unwilling to assume such responsibility, he may be expropriated by the consortium, the expropriation indemnity being the capital value of the land's net income. All consortia must become members of the National Association of Reclamation Consortia, which exercises general supervisory functions and provides its members with technical and financial assistance. The central coördinating organ is the Undersecretariat for Land Reclamation.[14]

[13] The government itself may directly plan and execute a particular project. The Serpieri Law of 1924 empowered joint stock companies to undertake reclamation work and to expropriate inactive landowners.

[14] Other governmental agencies concerned with various aspects of the program are the Forest Militia, Civil Engineer Corps, Agricultural Inspectorate, Public Health Service, and the Commissariat for Internal Migration. The National Secretariat for Mountains and the National War Veterans' Society—two "semi-public" organizations—also have special reclamation functions.

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Only a small part of the financial burden entailed by the program falls immediately on the government and landowners. The government's share is paid generally in instalments over a period of thirty years, and the landowners' obligations also take the form of annual payments, covering both the capital value of their burden and the interest thereon. The consortia thus receive claims against the government and owners, on the security of which they borrow the necessary funds from various credit institutions, notably the savings banks and the social insurance organizations. A committee representing the leading credit agencies and the National Association of Reclamation Consortia supervises these discount operations.

Work of "mountain improvement" — mainly reforestation and regulation of mountain streams—has also been integrated into the general reclamation scheme and is undertaken entirely by the government.

Fundamental "guiding principles" of the governmental aspects of the program are outlined by the Undersecretariat for Land Reclamation as follows:

> The State, by its intervention in regard to private works of land improvement, has no intention of substituting its own will and its own judgment for the will and judgment of the individual landowners, but only to ensure that the landowners, while acting according to their own advantage, as they themselves deem it, shall act within such limits and under such rules as are recognized to be necessary for the attainment of the "public objects" of reclamation and improvement.

All schemes must make the territory in question healthful, increase farm production and the amount of labor employed, assure the working population the possibility of living a "rural life", and afford employment to permanent workers, bound to the soil as small independent farmers, tenants or share-croppers.[15]

[15] *Cf.* G. Costanzo, "Comprehensive Reclamation and Land Improvement in Italy", International Institute of Agriculture, *Monthly Bulletin of Agricultural Economics and Sociology*, May 1935, pp. 167-168.

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Reclamation in Practice

Extraordinary difficulties are met in any attempt to evaluate fairly the practical significance of the Fascist reclamation program. The sources of information contain many pitfalls of vague concepts, contradictory data, extravagant claims; all too often information is nonexistent. A high degree of caution and skepticism obviously is necessary.[16]

As observed before, expenditures for reclamation declined for several years after inauguration of the Fascist régime. The annual average governmental outlays (in terms of gold lire) were 17 per cent less during the fiscal years 1922-1927 than during 1918-1922.[17] Only in the year 1927-1928 did expenditures begin to rise appreciably.

Taken at their face value, the data in Table I indicate an enormous increase in reclamation activity since 1927. According to official claims, the total authorized expenditures from 1870 to July 1, 1935 were 11,017,200,000 lire and the cost of the works actually executed in this period was 8,957,500,000 lire. Of these amounts, 7,945,600,000 and 7,174,800,000, respectively, pertain to the Fascist era.[18]

[16] Of course the concept of reclamation itself is a source of trouble. Its meaning in Italy has gradually been stretched far beyond drainage and irrigation works to include almost *any* work that may permit more intensive cultivation of a given area. Thus, in order fairly to compare the "reclamation" outlays in one period with those in another, precise distinction between the types of works undertaken in the two periods is necessary. But such distinction can be made only with extreme difficulty on the basis of official information. Unfortunately, many Italian studies of reclamation uncritically mirror the official version, and frequently pile exaggeration on exaggeration in the effort to compliment the Fascist régime and to detract from the work of earlier governments. The purpose of most of these studies obviously is political flattery, not serious inquiry. Salvemini quotes a writer in *Lavoro* (1 September 1931) as declaring: "Seldom or never has it been possible to ascertain, even from specialists in any precise and positive manner, what has actually been done and what is still being done for this great problem. . . ." "Land Reclamation and Fascism", *Italy Today*, May–June, 1932.

[17] Ministero delle Finanze, *op. cit.*, p. 370.

[18] Data from the Istituto Centrale di Statistica.

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TABLE I

PUBLIC AND PRIVATE EXPENDITURES FOR RECLAMATION, 1870–1935 [19]
(IN MILLIONS OF LIRE, 1927–1936 GOLD VALUE)

Fiscal Years	*Government Works*		*Private Works*	*Total*
	Reclamation and transformation	Mountain improvement		
1870–1922	1,720.5	62.2		1,782.7
1922–1923	210.7	18.1	14.7	243.5
1923–1924	141.0	12.7	36.3	190.0
1924–1925	134.2	10.6	20.0	164.8
1925–1926	178.0	9.1	48.3	255.4
1926–1927	181.8	18.1	88.0	287.9
1927–1928	258.7	30.9	106.5	396.1
1928–1929	341.0	39.8	130.4	511.2
1929–1930	617.1	42.8	255.7	915.6
1930–1931	465.2	34.5	248.5	748.2
1931–1932	495.1	34.9	207.8	737.8
1932–1933	505.0	49.4	285.7	840.1
1933–1934	543.4	47.7	282.9	874.0
1934–1935	615.9	56.2	358.1	1,030.2

The total of 4,115,700,000 lire expended during the five years 1929-30 to 1933-34 was distributed as follows (in millions of lire): [20]

A. Government Projects

1. Drainage works, related defensive works (such as road-making, irrigation works, mountain improvement), and land improvement in the public interest 2,618.0
2. Roads in connection with land improvement 7.8
3. Mountain improvement 209.3

B. Private Projects with Government Subsidy

1. Irrigation and search for water 567.7
2. Rural aqueducts 101.8
3. Farm roads 40.4
4. Rural buildings 122.0
5. Breaking of land 25.0
6. Minor land improvements 144.6
7. Private works on the Roman Campagna and Agro Pontino 210.0
8. Provision of drinking water 2.8
9. Improvement of mountain pastures 61.1
10. Provision of electric power for agricultural purposes 5.2

[19] Data for 1870-1934: A. Serpieri, *La legge sulla bonifica integrale nel quinto anno di applicazione* (Rome, 1935), p. 81; data for 1934-1935: Istituto Centrale di Statistica.

[20] Serpieri, *op. cit.*, p. 79.

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But within the last three years there have been a marked reduction in new works undertaken, a tendency to abandon all projects not urgently needed and growing concentration on particular projects that promise to yield immediate political returns.[21] Moreover, total outlays have been drastically reduced since the middle of 1935 (that is, since the initiation of the "imperial phase" of Fascism).[22]

The physical extent of reclamation work in recent years seems at first sight even more impressive than the financial outlays. On July 1, 1934 the total area of reclamation districts was 8,181,000 hectares, and that of mountain systematization districts was 6,556,000 hectares.[23] Thus, nearly *half* of the total area of Italy officially was subject to reclamation works of one kind or another. But these data refer to districts in which a variety of works (comprehended under the present broad concept of "integral reclamation") are actually under way *or merely projected or considered desirable.* One need only scan the lists of individual districts in order to recognize the illusory character of many of the data.[24] In many districts, "reclama-

[21] The amounts authorized for new works have been (in millions of lire): 1929-30, 244; 1930-31, 74; 1931-32, 112.5; 1932-33, 37.5; 1933-34, 17.8. Serpieri, *op. cit.*, p. 83.

[22] The total amounts authorized and expended in the six months, July 1, 1935 to December 31, 1935, were respectively 412,400,000 and 429,100,000 lire. (Data from the Undersecretariat for Land Reclamation.) The total number of man-days of work on public reclamation projects fell from 22,100,000 in 1934 to 16,000,000 in 1935. (*Annuario Statistico Italiano, 1936*, p. 149.) Furthermore, according to press reports, the 1936-37 budget appropriates only 100,000,000 lire for public reclamation works, and this amount is to be expended solely in the Agro Pontino and in Sardinia. Because of recent restrictions imposed by the government, it is impossible to obtain official confirmation of this. The president of the agricultural workers' confederation admitted in May 1937 that reclamation activity "is marking time for reasons of a contingent nature. But it is hoped that the work can soon be got under way again." *Lavoro Fascista*, May 15, 1937.

[23] Serpieri, *op. cit.*, p. 422.

[24] For instance, 330,000 hectares in Istria are said to be under reclamation. But "reclamation" in this case consists solely of construction of an aqueduct for supplying drinking water to towns and villages, of reforestation of 50,000 hectares of communal lands, and of drainage of a few hundred hectares. Work has been "completed" on only 10,000 hectares, and is "not far advanced" on the remaining 320,000 hectares. Similar instances are to be found in other parts of the country.

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tion" is a distant and vague hope rather than an actuality. It is necessary, therefore, to turn to data on reclamation projects actually completed or in course of execution.

On July 1, 1934, reclamation works had been "completed" or were "under way" on some 4,734,000 hectares, that is, on almost *one sixth* of the total area of the country. The extent of the various classes of works on this area was (in thousands of hectares): [25]

A. "Protective" Projects		
a. "Fully or nearly completed"	979.9	
b. "In course of execution but not far advanced"	1,046.2	2,026.1
B. "Transformative" Projects		
a. Preliminary works "fully or nearly completed" and transformation "well advanced or completed"	782.6	
b. Preliminary works "fully or nearly completed" but transformation "not yet begun"	330.2	
c. Preliminary works "in course of execution but not far advanced"	1,595.1	2,707.9

At first glance, an amazingly large part of the country would seem to be under *actual* reclamation. But these data, too, are very misleading. For one thing, 43 per cent (2,026,100 hectares) of the total area of 4,734,000 hectares is land on which there is already more or less intensive cultivation. On such land, "reclamation" consists simply of maintenance of drainage canals, irrigation ditches, dykes, etc.—most of which have been in existence for decades. Secondly, more than half (51.7 per cent of the areas under "protective reclamation" and 58.8 per cent of those under "transformative reclamation") of the total area has scarcely been touched. The works "in course of execution but not far advanced" in most instances exist only on paper; only the preliminary surveys, estimates and plans have been completed. Thirdly, the group of "fully completed" works includes many that were already completed or in an

[25] Serpieri, *op. cit.*, p. 93. On July 1, 1935, the total area in reclamation districts had increased 8,718,900 hectares, and the area in which works were "completed" or "under way" was 5,151,000 hectares. (*Annuario Statistico Italiano, 1936*, p. 63.) Data on the nature and progress of works on this area are not available.

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advanced stage by October 28, 1922.[26] Finally, the term "nearly completed" often means that very much remains to be done before the work can be considered fully executed.

Substantial progress, therefore, had been made on less than half (2,090,700 hectares) of the total area on which reclamation works were officially declared (on July 1, 1934) to be completed or under way.[27] The largest territory under reclamation is the lower Po basin, an area of about a million hectares. Here the bulk of the first work of drainage and irrigation had been completed before the World War. The major regions in peninsular Italy are those of the alluvial plains adjacent to the Tyrrhenian Sea, from the Serchio to the Sela, notably the Tuscan Maremma, the lands beside the mouth of the Tiber, the Roman Campagna, the Agro Pontino and the Neapolitan Campania. In all these areas, where drainage is the principal task, considerable advances appear to have been made in recent years. Accomplishments have been much more modest in the heel and toe of the peninsula and in Sicily, where irrigation, colonization, transformation of the *latifondi,* and reforestation—rather than drainage—are most essential.

Similar observations must be made in respect of the mountain area of 6,373,000 hectares (74.7 per cent of the total mountain area of the country) which on July 1, 1934 was officially the object of "mountain systematization". It would be more accurate to say that three fourths of Italy's mountain

[26] Thus, the official reports include the Sarnese and Nocerino districts (near Naples), which were reclaimed about fifty years ago, among the "completed" areas.

[27] The physical extent of the major works *completed* in the period July 1, 1922 – December 31, 1931 is estimated as follows:

1.	Drainage canals	12,197 kilometers
2.	Dykes and embankments	3,644 "
3.	Lands filled	322,101 cubic meters
4.	Complementary roads	5,867 kilometers
5.	Bridges (number)	16,320
6.	Area drained	661,901 hectares
7.	Principal irrigation canals	1,434 kilometers
8.	Area made irrigable	201,592 hectares
9.	Aqueducts	837 kilometers

Serpieri, *op. cit.*, pp. 84-86. There is no indication, however, of the period during which these works had been under way.

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lands are desperately in *need* of repair of the damages resulting from deforestation and erosion, rather than to imply that repairs on such a scale actually have been undertaken. Although the works desirable for this purpose would be enormous, the amounts expended and the accomplishments have been relatively slight.[28]

The exaggeration implicit in the official data is especially marked in respect of the works "under way" in Central and Southern Italy. Table II shows, in percentages, the extent of "protective" and "transformative" reclamation works in the major regions of the country and their state of development:[29]

TABLE II

STATUS OF RECLAMATION PROJECTS ON JULY 1, 1934

Type	*North*	*Central*	*South and Islands*
"Protective" Projects	71.6	14.6	23.2
"Transformative" Projects	28.4	85.4	76.8
	100.0	100.0	100.0
"Protective" Projects			
a. "Fully or nearly completed"	33.3	6.7	12.6
b. "In course of execution, not far advanced"	38.3	7.9	10.6
"Transformative" Projects			
a. Preliminary works "fully or nearly completed"	25.6	7.3	26.8
b. Preliminary works "in course of execution but not far advanced"	2.8	78.1	50.0
	100.0	100.0	100.0

Obviously, in the North considerable progress has been made toward completion of the projects, but in the remainder of the country the bulk of the work is still in a preliminary stage.

Furthermore, there has been an extraordinary concentration of work in one relatively small area, the Agro Pontino. This

[28] During the five fiscal years 1929-34, 209,300,000 lire were spent for mountain systematization. Hydraulic and forest systematization had been "completed" on 124,367 hectares and was "in course of execution" on 168,345 hectares; 46,431 hectares had been reforested. Serpieri, *op. cit.*, pp. 75-79, 463; *Annuario Statistico Italiano, 1935*, p. 64.

[29] Based on data in Serpieri, *op. cit.*, p. 93.

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region of about 75,000 hectares of marsh and dunes—within 60 kilometers of Rome—offered the Fascist régime an opportunity to carry out a project of great demonstrative value. The Pontino—for centuries malaria-ridden, scantily populated, and of little use other than as poor pasture for half-wild cattle—had been the object of repeated unsuccessful attempts at reclamation.[30] Its conversion, regardless of cost, into a region of small farms intensively cultivated by war-veteran colonists must become—with appropriate publicity—an important source of prestige for the régime.

A consortium of landowners began reclamation work in the Pontino on May 20, 1922. Little progress, however, was made for some years; by July 1, 1926 the total expenditures had been only 20,000,000 lire.[31] It was then decided to convert the project into a demonstration of Fascist enterprise and power. The major tasks of reclamation and colonization were turned over to the Opera Nazionale Combattenti (the war veterans' society), the government's propaganda machinery was directed toward advertising the scheme, and public funds were poured lavishly and at an increasing rate into the venture. By March 1, 1936 not less than a billion lire had been expended on the Pontino.[32] Nearly a third of all funds, public and private, spent for reclamation, land improvement and mountain systematization throughout the country since July 1, 1932 has been directed to the Pontino.[33] These expenditures have imposed a heavy burden on the general reclamation program. Other projects, many of which would have had greater social and

[30] Although usually styled "the Pontine Marshes", most (60 per cent, roughly) of the region was covered by sand dunes before the recent reclamation.

[31] Federazione Nazionale delle Bonifiche, *Le bonifiche in Italia al 1 luglio 1926* (Rome, 1927), pp. 34-35.

[32] Information from the Undersecretariat for Land Reclamation.

[33] Further evidence of the great concentration of effort on the Pontino is provided by data on employment in public works projects. For instance, in 1934 the number of man-days employed in the Agro Pontino—11,400,000—was 25 per cent of the total in all public works and 63 per cent of the total in all reclamation projects. Longobardi, *op. cit.*, p. 142; *Annuario Statistico Italiano, 1935*, p. 237.

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economic (though less political) significance, have suffered in consequence.[34] Moreover, maintenance of the work accomplished in the Pontino will call for further heavy outlays in the future. Some of the land has proved to be poor, and unable to support the considerable number of colonists originally intended for it; apparently there is danger, too, that large expenditures will be needed for a long period to prevent the drained areas from turning into arid dunes.[35] Nevertheless, the venture probably has been satisfactory in terms of publicity for the colonization and reclamation programs of the Fascists. Foreign visitors, in particular, usually are impressed favorably by a hurried trip through the " reclaimed Pontine Ager ".

Financial Difficulties

As noted above, the Fascist reclamation program envisages large-scale borrowings for works undertaken immediately, and amortization of this debt over a relatively long period. According to the Mussolini Law, the government was pledged to provide 4,350,000,000 lire for projects to be executed within fourteen years; this sum was to be paid largely in annuities over a period of thirty years. But the government was to borrow funds with which to make payments of the annuities; repayment of this debt was to burden the budget up to 1972-73

[34] The reclamation and transformation of the Roman Campagna, particularly, have been held back by reason of the work in the Agro Pontino. *Cf.* Vöchting, *op. cit.*, pp. 535-537.

[35] In a speech at Littoria (capital of the new province established in the Pontino) on December 18, 1932, Mussolini declared that eventually 40,000–50,000 colonists would be settled in the reclaimed region. On August 19, 1936, the Duce announced that the reclamation of the Pontino was completed. At the end of 1935 the number of new colonist families established was 2,215, comprising 19,048 individuals. S. Nannini, " Le migrazione e la colonizzazione ", *Conquista della Terra*, December 1935, p. 96. However, allowance ought to be made for those peasant families living in the nearby hills who, because of the new settlements, have lost such livelihood as they formerly got from the Pontino. The Opera Nazionale Combattenti assigns land (10–30 hectares per family), buildings and livestock to the colonists, who thereupon cultivate the farms as share-tenants. When all necessary advances of money and supplies have been repaid by the head of the colonist family, he may purchase the farm from the Opera by making payments over a period of fifteen years. *Cf.* Longobardi, *op. cit.*, pp. 143-145.

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with annual instalments totaling 9,700,000,000 lire. The landowners were expected to supply another 2,650,000,000 lire, most of which they also would be obliged to borrow. Obviously, in a country so deficient in capital as Italy, such financing must reduce the ability of both government and landowners in the future to carry on the necessary works of maintenance and renovation, not to speak of any new works of reclamation that might be desirable.

There is reason to believe that even these large sums authorized for immediate reclamation cannot suffice to complete satisfactorily all works that have been initiated. Most regions in Italy where reclamation and reforestation would be highly desirable have been placed within reclamation districts; the inference is that all these regions eventually will be reached by the program. But it has been estimated that at least 24,000,000,000 lire would be necessary for this purpose, more than three times the amount contemplated by the Mussolini Law.[36] Evidently, the necessity of providing work for the growing number of unemployed, of finding fresh fields for capitalistic exploitation, of meeting the insistent demands for politically spectacular achievements, forced the reclamation authorities to go far beyond the limits that would have been imposed by a more permanently effective use of available resources.

Furthermore, a rapid growth in the number of joint stock companies organized to undertake reclamation works and empowered by law to expropriate inactive proprietors led to a frantic formation of consortia by landowners.[37] Many of these

[36] In 1929 Serpieri held that at least 12,000,000,000 lire would be needed to reclaim the 1,200,000 hectares then already scheduled. Yet by 1935 work of the expensive "transformative" type had been begun on more than twice this area. *Giornale d'Italia*, August 23, 1929. (Quoted by Salvemini, "Land Reclamation and Fascism", *loc. cit.*, p. 17.) In 1931 Serpieri admitted that "it soon became evident that not the 7 billions provided by the Mussolini Act, but probably 70 to 80 billions would be needed to carry out all these works." Serpieri, *La legge sulla bonafica integrale nel primo anno di applicazione* (Rome, 1931), p. 178. See also, A. David, *La politique agraire de l'Italie: Les bonifications* (Ministère de l'Agriculture, Paris, 1931, p. 39).

[37] According to the Undersecretariat for Land Reclamation, 1,474 consortia had been organized by July 1, 1935. The fears of expropriation have proved groundless, however. By the end of 1935 only 27,000 hectares—all in the Agro

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consortia at once began to make plans and obtain approval for reclamation projects, and to borrow money on the security of the promised governmental subsidies in order to carry out preliminary work (and so escape the danger of expropriation in favor of the joint stock companies), even when they had little prospect of being able to finance the projects to their completion. The hope that the landowners might secure funds for reclamation by selling a portion of their land has not been realized, partly because of reluctance to sell, partly because of the absence of a substantial demand for land. Hence, in order to provide their share of the expenditures, they have generally been obliged to obtain bank credits.

The continual fall in agricultural prices in recent years has greatly aggravated the problem of landed indebtedness and has seriously modified the original plans for financing reclamation. The government has been obliged to intervene frequently to save the landowners—at any rate, the larger proprietors—from bankruptcy. Beginning in 1931 authorization was given to numerous extensions of the period in which private reclamation obligations must be met. However, this was insufficient, and recourse has been taken to a whole series of other debt-lightening measures (such as increased participation by the government in interest payments, forced reduction of interest rates, conversion of obligations), which for the most part amount to increased governmental subsidization of the agriculturists. Apparently, however, the owners of the great estates have been the chief beneficiaries of these concessions.[38]

Pontino—had been expropriated because of "failure to meet reclamation obligations". (Information from the Undersecretariat for Land Reclamation.)

[38] According to a writer in *Agricoltura Fascista* (April 29, 1935) not less than 90 per cent of the landowners subsidized by these special measures are *latifondisti* and agricultural companies. The great mass of small landowners has received almost no help; thousands of requests for financial aid have been left unanswered in the Ministry of Agriculture. The suggestion is also made by this writer that certain persons close to the government have been granted inordinate favors. Luigi Razza (late Minister of Public Works) pointed out in a speech in 1934 that every landed proprietor must be considering the advisability of "lighting every hour a candle to Saint Benito [Mussolini] with the prayer that he might one fine day declare a general abrogation of their debts, or at least of their interest burden. . . ." Cited in *Atti della R. Accademia dei Georgofili*, July–September 1934, pp. 366-367.

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For various reasons, therefore, projects were begun on a far larger scale than was advisable in terms of the capital limits of the nation in general and of the majority of agriculturists in particular. The consequence has been an enormous increase in agricultural indebtedness, and an extension of the influence of financial institutions over agriculture.[39] In view of the increasing expenditures for military purposes and of the poverty of the country, it would seem that much of the ambitious reclamation program must eventually be abandoned.[40]

Social Implications

The Duce has justified the Fascist reclamation program from the social standpoint by declaring that it will "give land and bread to millions of Italians in the future."[41] Following this

[39] "Today [middle of 1934] three-quarters of the landowners are effectively in the hands of the banks and other credit institutions." (Razza, *loc. cit.*, pp. 366-367.) It is impossible to obtain precise data on the amount of agricultural indebtedness in Italy. The Minister of Agriculture early in 1932 estimated the total farm debt at 8,500,000,000 lire, of which 4,500,000,000 were mortgage debts, and 4,000,000,000 short-term debts. According to other authorities, the total was then even larger, surpassing 10 billions. The interest burden imposed by this debt was estimated to absorb nearly a quarter of the agricultural income. But in particular regions, as in certain northern and central provinces—where the amounts owed surpassed the value of the land itself—the burden was much heavier. *Cf.* N. Mazzocchi-Alemanni, "I debiti dell'agricoltura", *Giornale degli Economisti*, August 1932, pp. 575-600.

[40] This has been admitted, at least tacitly, by leading officials. As early as 1931 Arrigo Serpieri (first Undersecretary for Land Reclamation and the leading intellect in the agricultural policy of Fascist Italy) declared, "Too many works have been carried out with insufficient consideration of their economic aspect, resulting in heavy burdens on the land which today are very hard to carry." (Speech at Udine, June 25, 1931. Quoted by Salvemini, "Land Reclamation and Fascism", *loc. cit.*, p. 24.) Later Serpieri pointed out that one of his main concerns as Undersecretary for Land Reclamation was continually to reduce the number of schemes proposed, but that "under the enormous pressure of the workers' representatives" it was impossible to avoid undertaking new projects. Once commitments had been made, the work could not be stopped "without the loss of millions of lire. . . . What we can do practically is to march more rapidly in certain more adaptable regions, and slow up in others, but not to stop." (In *Atti della R. Accademia dei Georgofili*, July–September 1934, p. 403.i Signor Serpieri might well have added that official approval of new works (and the consequent subsidies) was also often necessary to save large agriculturists and reclamation companies from bankruptcy. The consequence, from the technical standpoint, has been the undertaking of much ill-considered work.

[41] Speech of October 28, 1928.

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lead, Fascist commentators place much emphasis on the relief that the *bonifica integrale* will offer to the landless rural population, and on its efficacy as a substitute for emigration to foreign countries. It is suggested, too, that the *latifondi* must now finally be broken up in consequence of sales made necessary by the reclamation program.[42] Widespread publicity has been given to the proposed expropriation of landowners who "fail in their social duty" to raise the productivity of the land, and this has also been pointed to as a method of reducing the great estates.

In practice, however, the rural masses are given no preferential rights to reclaimed land (with the limited exception of the war veterans favored by the Opera Nazionale Combattenti), although most of the costs of reclamation are borne by the public treasury.[43] Whoever happens to own the land when its increased value is realizable will profit from the government subsidies. And, as observed above, the Fascist government has been active in assuring continued tenure by the present great landowners. Moreover, the expectation that the big estates would be broken up through forced sales or expropriation has proved illusory. Very little land has been sold in order to obtain funds for reclamation, and there has been practically no expropriation. The great bulk of Italian farm land is still owned by the aristocracy and wealthy middle class. Indeed, peasant proprietorship has been declining in recent years, and concentration of ownership in relatively few hands is becoming even more pronounced. The financing of the reclamation program itself has been a factor in concentrating control over the land, through the medium of the financial institutions and the consortia. Given the method of constituting the consortia on the basis of majority landownership, it is clear that the larger proprietors (and their creditors) must be dominant in these organizations. Thus, they are in a position to undertake work that interests them particularly. It was only after several years' effort by the Fascist labor union

[42] *Cf.* A. Serpieri and G. Mortara, "La politica agraria Fascista", *Annali di Economia*, June 1934, pp. 246 *et seq.*

[43] Such preference was contemplated in the abortive bill of 1922.

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officials (in the face of strenuous opposition by the landowners) that representatives of local agricultural workers' unions have been permitted even to sit on the boards of the consortia. This does not necessarily mean that workers' interests are now considered, but probably merely that the union officials can extend their own influence.

It is not even certain that the reclamation program will make possible any significant settlement of landless farm workers as share-tenants or share-croppers. So far, at least, colonization of internal zones has been a very slow process; 8,857 families (comprising 70,367 individuals) were thus settled in the six years ending in October 1936. At the end of 1935, 2,215 of these families were established in the Agro Pontino; it is difficult to estimate how many of the others migrated to newly reclaimed lands.[44] At any rate, in terms of the total number of landless workers, settlement has been exceedingly slight.[45] Nor must the repercussions of reclamation on the mountain peasantry be overlooked. Reforestation and the effort to save existing woods from destruction by cattle have taken pasture lands from many shepherds, and certain of the reclamation works in the plains have also had this effect.[46] The Fascist wheat and taxation programs, too, in so far as they have tended to depress the livestock industry, have borne heavily on the mountain population.[47] For these and other reasons, there has been an increasingly pronounced tendency in

[44] Commissariato per le Migrazioni e la Colonizzazione Interna, *Le Migrazioni Interne, 1934* (Rome, 1935), p. cii; Ministry of Corporations, *News Notes on Fascist Corporations*, October 1936; Nannini, *loc. cit.*

[45] The total number of agricultural wage-workers' families in 1931 was 1,360,036. Istituto Centrale di Statistica, *Censimento generale della popolazione, 21 aprile 1931* (Rome, 1934), vol. IV, part 2.

[46] For example, the agricultural economy of the Abruzzi formerly was intimately tied to that of the Roman Campagna. The mountain peasants would bring their sheep into the Campagna for the winter and take them back into the hills in the summer. The extension of crop cultivation in the Campagna, a consequence of reclamation, has greatly reduced its use for sheep pasture. In 1931 the number of sheep in the Campagna was 60 per cent less than in 1926. (*Cf.* Vöchting, *op. cit.*, p. 466.)

[47] *Cf.* C. T. Schmidt, "The Italian 'Battle of Wheat'", *Journal of Farm Economics*, November 1936.

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recent years toward depopulation of the mountain regions. Thus, while the Fascist policies have made possible a small amount of new rural settlement, they have at the same time destroyed many peasants' source of living.

The pressure of mounting unemployment after 1927 apparently was an important factor in the wide extension of the reclamation program. Certainly, the *bonifica integrale* has had significance as an unemployment relief program; approximately 30 per cent of all workers employed in public works in the period 1931-35 have been engaged in reclamation schemes.[48] However, this represents, at any one time during the period, not more than 6 per cent of the total unemployment.

The reclamation program has served hygienic ends, particularly in reducing the breeding places of malarial mosquitoes.[49] On the other hand, it has contributed very little toward improvement of rural housing. Despite the shocking conditions in which millions of peasants and farm workers live, government subsidies for rural housing totaled only 285,000,000 lire in the fiscal years 1929-35.[50] According to an official survey, the total number of rural habitations in 1933 was 3,479,200. Of these, 276,810 were judged to be "in conditions of almost absolute uninhabitability such as would warrant their being demolished", while 739,580 were also "almost uninhabitable", but possibly could be made satisfactory by "radical repairs". Not less than 6,500,000 persons (a third of the rural population) were living in these two classes of habitations. Some 30,000-40,000 persons lived in caves, and 300,000-400,000 in hovels made of earth and foliage.[51]

[48] *Annuario Statistico Italiano, 1935*, p. 237; *idem, 1936*, p. 149.

[49] The number of deaths attributed to malaria has declined enormously since the beginning of this century. Per million inhabitants, it was 416 in 1902, 111 in 1922, and 40 in 1935. But morbidity rates are more significant as an index of the extent of the disease. The number of malaria cases reported per million inhabitants was 5,442 in 1902, 6,417 in 1922, and 3,823 in 1935. (Data from Ministero del Interno, Direzione Generale della Sanità Pubblica.)

[50] That is, about 5 per cent of total expenditures for reclamation in this period. (Information from the Undersecretariat for Land Reclamation.)

[51] Confederazione Fascista dei Lavoratori dell'Agricoltura, *Per le case rurali* (Rome, 1934); Istituto Centrale di Statistica, *Indagine sulle case rurali in Italia* (Rome, 1934).

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The *bonifica integrale,* then, has socially quite a different character from that generally ascribed to it. It is true that land reclamation, irrigation and reforestation are urgently needed in order to raise the agricultural productivity of Italy, and thereby to afford a means of improving the living levels of the Italian masses. But the Fascist system of reclamation—essentially subordinated to the exigencies of an absentee landed proprietorship concentrating under the controls of monopolistic finance, and limited by the necessities of imperialistic adventure—can have only incidental concern for the general welfare. At best, moreover, land improvement can be only a partial solution of the old problem of backward techniques, low production and consequent poverty. The welfare of the rural masses also demands removal of tariff barriers erected in the interests of industrial and landed property, a complete reorganization of the systems of land tenure and taxation, and opportunity for emigration.

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SOME INTERNATIONAL PROBLEMS OF THE SPANISH CIVIL WAR

CIVIL WAR in Spanish territories during the past one hundred years has always occasioned international difficulties. Few disturbances, however, have given rise to so many major international problems, legal or political, as the present strife in Spain. It would be impossible in such a short article as this to deal with all of them. Attention will therefore be confined to three matters: interference with foreign shipping upon the high seas, the extension of hostilities into the internationalized zone of Tangier, and the effect of the war upon the rights and privileges of members of the diplomatic and consular corps in Spain.[1]

According to generally accepted international law, the contending parties in a civil war do not enjoy the right to go upon the high seas and there interfere with foreign vessels unless recognition of belligerency has been accorded to them by foreign powers. Notwithstanding this universally approved rule, both the Madrid authorities and the rebels have engaged in far-reaching molestation of foreign shipping since January 1, 1937, through visitation and search, forced deviation into Spanish ports for examination, detention and confiscation of cargoes, in spite of the fact that up to the present time no foreign state has recognized the belligerency of either group.[2] According to reports in British and American newspapers at least thirty-five merchant ships—fourteen English, seven Russian, four Norwegian, four Dutch, three French, two Danish,

[1] For other aspects of the situation see Padelford, N. J., "International Law and the Spanish Civil War", *American Journal of International Law*, April 1937, pp. 226-243; Wilson, R. R., "The Recognition of Insurgency and Belligerency", *Proceedings* of the Thirty-first Annual Meeting of the American Society of International Law, April 30, 1937; Remarks of N. J. Padelford, *ibid.;* Padelford, N. J., "International Law and Insurgency", *Die Friedenswarte* (Zurich), September 1937.

[2] See official statements by France and Great Britain, April 1 and 12, in *New York Times*, April 2, April 13, 1937; London, *Times*, July 15, 1937.

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and one Swedish—have been subjected to belligerent action.[3] It is interesting that such a large percentage of the foreign vessels intercepted have been English vessels, in view of the special legislation which was passed by the British government in December to prevent English ships from carrying war supplies to Spain from any ports whatsoever, English or otherwise.[4]

In addition to interception of foreign vessels, numerous instances of bombing of foreign ships upon the high seas have been reported.[5] Both types of actions of the Spanish forces are undoubtedly contrary to international law.[6] Foreign states

[3] General de Llano of the rebels announced on March 23 that thirty ships of various nationalities with cargoes of munitions had been captured by the rebels during March 1937. *New York Times*, March 24. Neither this figure nor the individual instances cited can be verified. It is assumed here that the newspaper reports are accurate. The number 35 is reckoned up to May 25.

[4] *American Journal of International Law*, Supplement, vol. 31 (1937), p. 100.

[5] The following cases have been described in the *New York Times*. No verification of the reports has been possible.

Jan. 18 Unidentified plane bombs French destroyer *Maillé Brézé*. Jan. 19 France orders her ships to fire on attacking craft.

Feb. 3 Norway demands $100,000 indemnity from loyalist government for bombing of *S.S. Guines* Dec. 8, with loss of four lives.

3 Three unidentified planes drop bombs near British warship *Royal Oak*. Britain protests to both sides, asks Valencia to take steps to avoid repetition. Valencia expresses regret, orders immediate inquiry, Feb. 4.

15 Rebel plane attempts to bomb British destroyers *Havock* and *Gypsy*. Fired upon. Britain protests to rebels.

20 Unidentified plane drops bombs near French *S.S. Djebel Amour* off Alicante.

Mar. 8 Unidentified plane drops bombs near French *S.S. Marie Thérèse* off Palamos.

10 French *S.S. Djebel Antar* bombed by plane 100 miles west of Minorca. French consul protests to rebels March 13.

Apr. 6 British destroyer *Gallant* bombed between Alicante and Valencia. British destroyer *Garland* goes to Majorca to protest, along with the British consul there. Majorca rebel authorities apologize to commander of British cruiser *Shropshire* for bombing of *Gallant*.

May 29 Madrid planes bomb the German battleship *Deutschland* at Iviza, killing 23 seamen. In reprisal, the German fleet bombards the comparatively undefended city of Almeria.

[6] Halleck, H. W., *International Law* (London, 1908), I, pp. 479-481; Moore, J. B., *A Digest of International Law* (Washington, 1906), II, p. 1120; Her-

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have in the past usually resisted any attempt at the exercise of the rights of visit and search or seizure by unrecognized factions,[7] though an exception seems to have occurred during the Chilean revolution in 1891, when British naval officers allowed insurgents to intercept contraband and to obtain coal and supplies from foreign ships, on promise of payment. The American admiral was instructed that "Vessels or other property belonging to our citizens which may have been seized by the insurgents upon the high seas and for which no just settlement or compensation has been made are liable to forcible recovery; but the facts should be ascertained before proceeding to extreme measures and all effort made to avoid such measures."[8] The implication of these instructions is that seizures for which compensation has been made are not liable to forcible recovery.

While the Spanish deeds are obviously contrary to international law, they raise the point that recognition of belligerency is extended only after the actions of the contending parties have affected other states to such an extent as to force them to accord recognition of belligerency and so legalize the interference.[9]

Reports have not revealed whether the vessels detained have been proceeding to or from Spanish ports, or whether they have been carrying goods forbidden by the Non-Intervention

shey, A. S., *Essentials of International Public Law* (New York, 1912), p. 119; Brierly, J. L., *Law of Nations* (Oxford, 1936), pp. 106-107; Cobbett, Pitt, *Cases on International Law* (London, 1931), I, p. 302; Fenwick, Charles G., *International Law* (New York, 1924), p. 232; Lawrence, T. J., *Principles of International Law* (Boston, 1923), p. 332; Wilson, G. G., "Insurgency and International Maritime Law", *A.J.I.L.*, vol. 1 (1907), p. 54; Naval War College, *International Law Situations* (hereafter cited as N.W.C.), 1902, p. 72; 1904, p. 39; 1912, p. 20; 1935, p. 82; The Ambrose Light, 25 Fed. Rep. 408; The Three Friends, 166 U. S. 1.

[7] See, for example, *Sen. Exec. Doc.*, No. 1, 35th Cong., Special Sess. (Spanish revolution in 1855); *Sen. Exec. Doc.*, No. 29, 26th Cong., 1st Sess., p. 2 (Mexican revolt in 1858); Moore, *op. cit.*, II, pp. 1085-1086 (Haitian revolt in 1869); *A.J.I.L.*, vol. 31 (1937), p. 240 (Huascar case); *U. S. For. Rel., 1885*, p. 212 (Colombian revolt).

[8] Moore, *op. cit.*, II, pp. 1108-1112.

[9] Cobbett, *op. cit.*, I, pp. 60-61; Wilson, G. G., *International Law* (New York, 1935), p. 70; Hall, W. E., *A Treatise on International Law* (Oxford, 1924), pp. 39-41; Hyde, C. C., *International Law* (Boston, 1922), I, p. 77.

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Agreement. In some cases the vessels were reported outward bound from Spanish ports with cargoes of fruit, ore, and other commodities produced in Spain. The obvious purpose of seizure in such instances has been to provide the rebels with the commodities in question and to prevent the Spanish shippers (usually loyalists) from realizing upon their goods. In no case have the reports stated whether compensation was made for goods taken, or for the delay and loss of revenue occasioned to the vessels.

On March 29, according to the *New York Times*, a loyalist vessel, the *Mar Caspio*, regularly engaged in service between England and France, was chased into French territorial waters off Bayonne, and fired upon by an insurgent vessel when about one hundred yards from the shore. This prompted the issuance of a sharp communiqué to the effect that:

> The right of belligerents cannot be invoked under present circumstances. The challenge and forced deviation by Spanish warships of French merchant vessels navigating more than three miles off shore are and will remain contrary to international law and the principle of freedom of the seas.
>
> All French war vessels have consequently received orders to aid French merchant ships stopped on the high seas and to oppose, by armed force if need be, any search or deviation.
>
> Merchant ships should permanently carry night and day nationality signs sufficiently prominently so that there can be no doubt of their nationality. To obtain aid they need only radio their position to "all French warships." The nearest one will respond and come at once to their aid.
>
> The same acts of assistance cannot normally be rendered in Spanish territorial waters to prevent arrest or visit, it is recommended to our merchant ships to navigate far outside of such waters.
>
> In French territorial waters any warlike action or police activity by Spanish ships will not be tolerated regardless of the flag flown by the ship which is the object of the action. Every action of any kind violating international law will expose the guilty vessel to seizure by our warships or coastal defenses charged with enforcing respect, even if by use of force, for our complete sovereignty in these waters.[10]

[10] *Le Temps*, April 3, 1937.

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Warlike acts in neutral territorial waters are, of course, violations of the neutrality of the territorial state. There is not only a duty upon the neutral to prevent such uses of its territory, but also a duty upon the party at war, whether recognized or not, to refrain from such acts.[11] In addition to violating international law by firing upon the ship within French territorial waters, the insurgents were violating the municipal law of Spain itself. The Instructions to the Spanish Navy of 1898 provide that seas subject to the jurisdiction of neutral powers are inviolable.[12]

Belligerent acts in neutral waters have been held to be legal occasionally under special circumstances. During the Russo-Japanese War, the Russian destroyer *Ryeshitelmi* was seized in the Chinese port of Chefoo by Japanese forces. The action was upheld by a Japanese court on the grounds that China had failed to enforce her neutral duties and had allowed a wireless telegraph system to be operated by Russia in Chinese territory.[13] During the World War, the German ship *Tinos* was seized in Greek waters by a French warship. A French court held that since Greek territory had already been used by German forces for hostile operations, the territory had lost its neutral character as regards the specific seizures before the court.[14]

No proof has been effected, however, as to unneutral use of French territory and it therefore must be held that the rebel attack on the *Mar Caspio* was clearly contrary to international law, the more so since legal warfare did not exist.

[11] Scott, J. B., *Hague Conventions and Declarations of 1899 and 1907* (New York, 1915), p. 210 (Convention 13, articles 1 and 2); Wilson, *International Law*, p. 319; Cobbett, *op. cit.*, II, p. 409; Oppenheim, L., *International Law* (London, 1912), II, p. 507; Hall, *op. cit.*, p. 721; Hyde, *op. cit.*, II, p. 787; Jessup, P. C., *The Law of Territorial Waters and Maritime Jurisdiction* (New York, 1927), p. 100; 1932 N.W.C., pp. 2, 6; Twee Gebroeders, 3 C. Rob. 162; Richmond v. U. S., 9 Cranch 102; The Apollon, 9 Wheaton 362; 4 Ops. Atty. Gen. (1843) p. 285. See Cobbett, *op. cit.*, II, pp. 410-414, for World War cases involving belligerent acts in neutral waters.

[12] 1925 N.W.C., p. 5.

[13] Takahashi, S., *International Law Applied to the Russo-Japanese War* (London, 1908), pp. 437-444.

[14] 1932 N.W.C., p. 42.

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More serious than the aforementioned interference with foreign shipping has been the planting of mines off the Spanish coast, with subsequent injury to several foreign ships. On February 25 the British Union Castle liner *Llandovery Castle*, with three hundred aboard, hit a mine two miles southeast of Capo de Creus and was badly damaged.[15] Secretary Eden stated that the ship hit "a moored mine laid by insurgent authorities in Spanish territorial waters." He said that inquiries were still in progress, and that British shipping was being warned of the considerable risk in navigating within Spanish territorial waters.[16] On March 1 a French ship, *Marie Thérèse le Borgne*, hit a mine off the same cape, and was badly damaged.[17] Three days later a Greek oil tanker, the *Loukia*, en route from Constanta to Barcelona, hit a mine off the same cape and sank with a loss of twenty-one lives.[18] On March 6 the Marseilles maritime authorities announced the charting of three groups of floating mines six miles off the above-mentioned cape.[19] After April 10 it was reported that the insurgents had engaged in mining the high seas off Bilbao. Mr. Eden said that the British government would be "prepared to consider" mine-sweeping operations for the protection of British shipping outside the three-mile limit, but to sweep inside the three-mile limit would be to engage in "intervention" in Spain.[20] Warning was sent to the insurgents that they would be held "strictly accountable" for all damages to British merchantmen "at sea".[21] No shipping was subsequently injured.

The laying of mines raises numerous problems. This appears to be the first civil war in which foreign shipping has been injured by such operations, although the question of

[15] *New York Times*, Feb. 26; *Manchester Guardian*, March 5, 1937. Here again one must assume the accuracy of the newspaper reports.

[16] *New York Times*, March 1, 1937.

[17] *Ibid.*, March 2.

[18] *Ibid.*, March 5.

[19] *Ibid.*, March 6.

[20] *Ibid.*, April 14.

[21] *Ibid.*, April 15.

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"floating torpedoes" arose in Brazil in 1893.[22] Neither side in the present civil war has any right whatsoever under international law to place mines, either floating or contact, upon the high seas, since neither has any right to perform belligerent acts upon the high seas. Neither party has the right to place such mines in the zone between the three-mile and six-mile lines, an area which Spain has claimed as territorial waters, though none of the powers has been willing to accept the claim in the course of the present hostilities.[23] It has been reported that mines were floating off the French coast as far as 100 miles north of Spain, in the Bay of Biscay.[24] Of course, it is difficult to avoid the breaking loose of mines in time of storm, or to manufacture mines which accord with the rules of the old Hague Convention, requiring that they shall become harmless as soon as they have broken away from their anchors.[25] If the parties cannot prevent their mines from floating out to sea, however, they have absolutely no right to sow them in the first place. Indeed, there is no right under international law to sow mines which cannot be controlled and which inevitably will drift beyond the confines of a certain specified area. The uncontrolled use of floating mines, even by recognized belligerents, is illegal.[26]

[22] The American minister at Rio de Janeiro reported that the commanders of foreign vessels had requested the insurgents to cease firing while they searched the harbor for floating torpedoes. The minister asked the State Department whether he might join in a request for the same action by the government forces. He was told "to join in the request, which should be made to both parties, if the floating torpedoes are proving a damage to neutral vessels, that they permit the removal of these torpedoes." *U. S. For. Rel., 1893*, p. 75.

[23] *Cf.* statements quoted above, and *A.J.I.L.* vol. 31 (1937), pp. 238 *et seq.*

[24] London, *Times*, February 26.

[25] Scott, *op. cit.*, pp. 151-153.

[26] Scott, *op. cit.*, p. 151 (Convention 8, art. 1); *idem, Resolutions of the Institute of International Law* (New York, 1916), p. 167 (1911 Resolutions, arts. 1, 2), and p. 178 (Oxford Manual, arts. 20-21); 1913 N.W.C., p. 147; 1914 N.W.C., p. 112; Garner, J. W., *International Law and the World War* (London, 1920), I, pp. 336, 353; Rolin, Alberic, *Le droit moderne de la guerre* (Brussels, 1920), II, p. 98; Cobbett, *op. cit.*, II, p. 190; Hyde, *op. cit.*, II, p. 414; Oppenheim, *op. cit.*, II, p. 505; Møller, Axel, *International Law in Peace and War* (Copenhagen, 1935), II, p. 188; Fauchille, P., *Traité de droit inter-*

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With respect to mining within territorial waters, the case is not so clear. The contending factions have the right to prevent the access of supplies to their enemies within the strip of territorial waters; and they have the right to bombard the property of their enemies; and foreign shipping venturing into the territorial waters where hostilities are liable to take place, subjects itself to whatever inconveniences and hazards arise from venturing therein.[27] But to mine these waters and not to notify foreign shipping is to introduce a hazard which cannot be foreseen or avoided. It would seem doubtful whether international law would make the mining of territorial waters during a civil war an expressly *unlawful* act, but mining without adequate notification is intolerable.

Some notification has been given to mariners of the presence of mines in Spanish territorial waters.[28] None of the notifications mentions the presence of mines off Capo de Creus, where

national public (Paris, 1922), sec. 1316 (2); Hall, *op. cit.*, pp. 640-641; Hershey, *op. cit.*, p. 435n; Westlake, J., *International Law* (Cambridge, 1913), II, pp. 312-313; Stockton, C. H., "The Use of Submarine Mines and Torpedoes in Time of War", *A.J.I.L.*, vol. 9 (1915), p. 277; Ed. comment, "Mines, Submarines, and War Zones", *ibid.*, p. 426.

[27] *A.J.I.L.*, vol. 31 (1937), pp. 238, 242. In the case of the *Crete a Pierrot*, however, a different rule was followed. This was a Haitian insurgent ship which in 1902 stopped a German vessel in Haitian waters and removed munitions destined for the Haitian government. The *Crete* was thereupon sunk by a German cruiser. Cobbett, *op. cit.*, I, p. 302.

[28] Sept. 16 Information received that after midnight Sept. 14, 1936, mines will be laid in ports of Santander and Bilbao and all ships are warned of danger in entering or leaving either port. Hydrographic Office (U. S.), Notice to Mariners, No. 38.

20 Possibility of mines around Balearic Islands, mariners warned accordingly (Information from British Admiralty). *Ibid.*, No. 38.

Oct. 7 Possibility of mines in approaches to ports in Spain and Spanish possessions. Compulsory pilotage is to be anticipated (Information from British Admiralty). *Ibid.*, No. 41.

Nov. 27 Barcelona announces safety zone between land and sea south of Latitude 41 20′ 3N (approximately latitude of Barcelona). Hydrographic Office (U. S.), Daily memo to Mariners, No. 8620.

Dec. 3 Insurgent representative at Lisbon announces mines at entrance to ports at Cabo San Antonio, Alicante, Marbella, and Malaga. *Ibid.*, No. 8625.

12 Insurgent representative at Lisbon announces that hereafter insurgent ships will regard as enemy craft any vessels steaming

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the various foreign ships are reported to have been damaged. Therefore the party placing the mines must still be held liable for failure to notify foreign shipping as to their presence.

During the early days of the civil war, hostilities were reported to have taken place in or about Tangier involving violations of international engagements.[29] The Statute of Tangier of 1923 provides in Article 3:

along Spanish coast at night without lights. *Ibid.*, No. 8633.

Jan. 21 Mines within three-mile limit except in certain safety zones in the approaches to ports. (Source of information not given.) Notice to Mariners, No. 3.

The official publication of the legitimate government in regard to marine notices is *Avisos a los navigantes. Publicación semanal. Instituto y observatorio de Marina (4º seccion). Servicio hidrográfico de la Armada.* Corresponding insurgent publication is the *Publicación provisional de Avisos a los navigantes. Servicio hidrográfico de la Armada.* Insurgents also publish the *Buque-hidrográfica 'Tofiño' de la flota republicana.* None of these publications is generally available.

[29] The following instances are from the files of the *New York Times* for 1936:

July 20 Spanish cruiser, four destroyers, two sloops in Tangier.

21 Loyalist warship bombed entering Tangier. Returns fire, with shrapnel bursting over city. Rebels had previously warned harbor master and foreign shipping that ship would be shelled if it entered.

22 Tangier Board asks belligerent ships of both parties to leave Tangier waters. States that "any attempts of violation of the international zone would meet opposition by force."

23 Britain and France warn Madrid to keep her fleet out of Tangier waters in view of the difficulties which would arise if it were used as "a base of operations".

23 British steamship with gasoline for loyalist warship bombed in Tangier harbor. British destroyer fires at airplane without success.

25 Six loyalist submarines arrive at Tangier.

28 Rebels bomb loyalist submarines in Tangier waters. Tangier Board decides to give control of harbor and waters to senior naval officer present (British).

29 Tangier Board sets up war board composed of one commander from each country with a warship in the harbor, to protect the city against acts of war resulting from the presence of Spanish ships. (British, French, Spanish, Portuguese ships present.)

30 France objects to decision of Tangier Board. Claims this involves diplomatic matter and that Sultan of Morocco should have been consulted. (No further issue.)

Aug. 1 All Spanish vessels leave Tangier.

9 Tangier War Board forces two loyalist warships seeking entry to leave.

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> The Tangier Zone shall be placed under a régime of permanent neutrality. Consequently no act of hostility on land, on sea or in the air shall be committed by or against the Zone or within its boundaries.
>
> No military establishment, whether land, naval or aeronautical, no base of operations, no installation which can be used for warlike purposes, shall be either created or maintained within the zone. . . .
>
> The authorization of the Administration of Tangier is not necessary for the visit of warships, but previous notification of such visits shall nevertheless be given to the Administration if circumstances permit.[30]

If the press dispatches were accurate, the rebel attacks on loyalist vessels in the harbor on July 21, 23 and 28, 1936 were obvious violations of paragraph 1 of the above article. The loyalists' attempts to use Tangier as a base of operations (July 20, 25, August 9, 1936) were violations of paragraph 2.

According to the Draft Shereefian Dahir of 1923, the Administration of the Zone is especially to insure the observance of Article 3.[31] The Revised Statute of Tangier of July 5, 1928, intrusts three agencies with securing the observance of Article 3, paragraph 1. These are the Inspector General of Security, charged with counseling the Administration as to the observance of Article 3, paragraph 1; the Administrator of the Zone, who is to survey and investigate the matter; and the Board of Control, which is to secure fulfillment of the Statute.[32] The Board of Control has full power to enforce Article 3 in any way it sees fit. This necessarily embraces the right to exclude all vessels violating the Statute, including those of Spain. The Administration clearly has sufficient authority to protect itself against the unlawful acts of states which are signatories of the Statute.

The French protest on July 30, 1936, that the protection of the city was a diplomatic question and should have been submitted to the Sultan of Morocco, was based on article 5 of the

[30] League of Nations, *Treaty Series*, vol. XXVIII, p. 545.

[31] *Ibid.*, p. 587 (art. 11).

[32] *Ibid.*, vol. LXXXVIII, p. 213 (art. 10); see also Art. 29.

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Statute excepting diplomatic matters from the Administration.[33] However, it can hardly be contended with success that the taking of defensive measures was a diplomatic question or that article 5 of the Franco-Moroccan treaty deprived the Tangier Board of its rights under articles 10 and 29 of the 1923 Statute or article 11 of the Dahir.

One of the difficulties growing out of the war has been the status of the members of the diplomatic corps accredited to Madrid who have resided outside of Spanish territory. On July 26, 1936 American Ambassador Bowers was forced to take refuge, from the fighting and rioting in San Sebastian, on an American naval vessel.[34] A temporary legation was established on the American vessel and he cruised off Spain until August 15, when he landed at Hendaye, France.[35] Meanwhile, the Argentine, Belgian, British, Czechoslovakian, French, German, Italian and Swedish envoys had fled to Hendaye and set up temporary headquarters there. On August 7 the Madrid authorities invited the diplomats to return to Madrid under a guaranteed safe conduct, but the invitation was rejected by all concerned.[36] On September 16 Madrid demanded that the ambassadors return to Spanish territory if they wished to be regarded as accredited to the Madrid government.[37] The following day Madrid canceled the special appointment of Senor Castro, who had been sent to Hendaye to act as liaison between the Spanish Foreign Office and the diplomats.[38] On September 18 the diplomatic corps at Hendaye replied formally that they had decided to remain abroad pending developments.[39] Various members did return subsequently to Madrid, although during the latter months of 1936 many of the embassies and legations there were closed, be-

[33] *Ibid.*, pp. 547, 587. Article 5 of the Franco-Moroccan treaty of March 30, 1912 gives the French commissioner general charge of all questions concerning foreigners in the Shereefian Empire. See *Br. & For. St. Pap.*, vol. CVI, p. 1024.

[34] *New York Times*, July 27, 1936.

[35] *Ibid.*, Aug. 16.

[36] *Ibid.*, Aug. 8.

[37] *Ibid.*, Sept. 17.

[38] London, *Times*, Sept. 17.

[39] *Ibid.*, Sept. 19.

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cause of the siege of the city and the fact that the Spanish government itself had abandoned Madrid for Valencia.

Adequate precedents are lacking to govern this situation. The Minister of Foreign Relations of Nicaragua, in consequence of the bombardment of Managua in 1893 by rebels, urged the American minister temporarily to remove to Granada, where the legation would not be endangered. The minister replied that his official duty required his presence in Managua, and that the government seemed able to protect the city. Acting Secretary of State Adee wrote to him that "The first test of an organized government being its ability to maintain public order at the seat of its capital, your intimation that your post of duty is at Managua was timely and proper." [40]

One of the most ancient and settled principles of international law is that the person of a diplomatic agent is immune from local jurisdiction and entitled to special protection.[41] "The maintenance of relations between countries is primarily dependent upon the according of adequate protection to their respective nationals and to their official representatives." [42] The acceptance by Spain of diplomatic representatives carried with it the obligation to afford them adequate protection. Failure to provide such protection undoubtedly justified the envoys in leaving Spanish territory. There is no principle of international law which seems to require a diplomatic agent to reside in the country to which he is accredited, although, of course, national regulations may so require.[43] The offer of the Spanish government to provide a safe conduct to Madrid

[40] *U. S. For. Rel., 1893,* p. 213.

[41] Satow, Sir Ernest, *A Guide to Diplomatic Practice* (London, 1932), p. 163; Stuart, G. H., *American Diplomatic and Consular Practice* (New York, 1936), p. 298; Genet, R., *Traité de diplomatie et de droit diplomatique* (Paris, 1931), I, p. 487; Moore, *op. cit.*, IV, p. 622; Harvard Research in International Law, "Diplomatic Privileges and Immunities", *A.J.I.L.*, Supplement, vol. 26 (1932), Art. 17.

[42] Statement of the United States in the case of an American vice-consul murdered by a Persian mob in 1924. Stowell, E. C., "The Imbrie Incident", *A.J.I.L.*, vol. 18 (1924), p. 770.

[43] For example, *United States Instructions to Diplomatic Officers*, Chapter 6, sec. 2.

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carried with it no assurance that, once Madrid had been reached, the diplomats would then be safe. At that time, and since, bombings of the city have occurred almost daily. If the envoys had gone to Valencia, as the government subsequently did, there also their lives might have been endangered by sea or air attacks by the rebels. Considering the impossibility of the government providing adequate protection, the diplomats were probably justified in refusing to return to any part of the Spanish territory "pending developments". The Spanish government had, of course, the privilege of dismissing the diplomats, if it so desired, but such action would only have courted early recognition of the rebels.

Closely related to the problems which have just been discussed was the assassination of Baron Jacques de Borchgrave, first secretary of the Belgian legation in Madrid. On January 8, 1937, Belgium served an ultimatum upon the Spanish government, giving it forty-eight hours in which to pay military honors to Borchgrave's body. Belgium also demanded an apology, punishment of the culprits, and one million francs indemnity. It stated that if its demands were not complied with, diplomatic relations would be severed and the case submitted to the Permanent Court at the Hague.[44] On February 3 the Spanish government informed Belgium that it was ready to deposit one million francs as compensation for the death of Baron Borchgrave, but it asked that the case be referred to the Permanent Court at the Hague, and that, pending a decision by the Court, no change be made in the diplomatic relations of Belgium and Spain.[45] This was accepted by Belgium.[46]

The Spanish government was guilty of violating international law. The murder of a diplomat by the forces of the government to which he is accredited, no matter what his actions may be, is a gross violation of the fundamental principle of international law of the inviolability of diplomatic agents. The submission of the dispute to the Permanent Court

[44] *Le Temps*, Jan. 9, 1937.

[45] *Bulletin of International News*, No. 17, p. 31.

[46] *Le Temps*, Feb. 3.

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at the Hague was in accordance with the Treaty of Arbitration, Conciliation, and Judicial Settlement of 1927 between Belgium and Spain, which provides for the submission of disputes "of every kind" to decision by an arbitral tribunal or the Permanent Court of International Justice, if they cannot be settled by the normal methods of diplomacy. Both Belgium and Spain have accepted the "optional clause" of the Statute of the Permanent Court of International Justice.[47]

One further case involving diplomatic law and practice has occurred. The Chilean ambassador to Spain became *persona non grata* because he was reported to have harbored a large number of political refugees in the Embassy at Madrid (estimated at 1000) [48] and to have exported under diplomatic protection Spanish funds not supposed to be taken out of the country. On leaving Spain the ambassador was stopped at the frontier, and, according to reports, his person and baggage were subjected to a violent search, which revealed quantities of money which the government maintained he was endeavoring to smuggle out of the country. The Chilean government protested, as did the entire diplomatic corps, but the Spanish government replied that it had fully respected diplomatic usage.[49]

In this case, it must be held again that the Spanish government violated international law. The rule of inviolability of a diplomatic agent is based not on treaty or national law, but on international law, and it embraces exemption from search of person. The search of his baggage, however, comes under a different rule. Exemption from customs duties is based on courtesy alone, not on international law.[50] Of course, the privilege may be based on a treaty right, but the Treaty of 1883 between Spain and Chile only provides that "The Governments of Chile and Spain shall appoint Diplomatic Representatives as well as Consular Agents." Nothing is stated

[47] League of Nations, *Treaty Series*, vol. LXXX, p. 28; Hudson, M. O., *Permanent Court of International Justice* (New York, 1934), pp. 612, 627.

[48] *New York Times*, Jan. 18, 1937. [49] *Ibid.*, April 24.

[50] Hall, *op. cit.*, p. 235; Satow, *op. cit.*, p. 212; Oppenheim, *op. cit.*, I, p. 635; Fauchille, *op. cit.*, III, p. 100; Genet, *op. cit.*, I, pp. 436-437.

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regarding privileges, immunities, or most favored nation treatment.[51] Although guilty of violating the law in searching the person of the ambassador, the Spanish government committed no breach in searching his baggage.

Several cases of injury to foreign consular agents have been reported, though hardly enough is known about any of them to discuss them intelligently.[52] The Treaty of Friendship and General Relations of 1902 between the United States and Spain provides that most favored nation treatment is extended to consuls-general, consuls, vice-consuls and consular agents, "as likewise the Consular Chancellors, Secretaries, or Clerks of the High Contracting Parties."[53] By international law a person officially engaged in consular functions and recognized as possessing a consular status is entitled to protection, at least to the extent strictly necessary to the fulfillment of his duties.[54]

[51] *Br. & For. St. Pap.*, vol. LXXIV, p. 721.

[52] July 23 Spaniard employed as clerk in the United States consulate killed while on an official errand in a consular car. Madrid immediately expressed regret and offered its apologies on the next day. The United States paid the funeral expenses and offered an annuity to the family. *New York Times*, July 26, 1936.

Aug. 21 Poland demands reparation, punishment and apology for consul arrested and shot down in cold blood in Valencia. *Ibid.*, Aug. 22.

Feb. 24 Uruguayan consul at Majorca, who was also a Socialist deputy in the Cortes, executed by the insurgents. He was a native of Uruguay, but also a citizen of Spain. *Ibid.*, March 17, 1937.

[53] Malloy, W. M., *Treaties and Conventions* (Washington, 1910), p. 1710.

[54] Oppenheim, *op. cit.*, I, p. 664; Cobbett, *op. cit.*, I, p. 327; Puente, J. I., *The Foreign Consul* (Chicago, 1926), p. 42; Hall, *op. cit.*, p. 375; Hyde, *op. cit.*, I, p. 797; Harvard Research, "Legal Position and Functions of Consuls", *A.J.I.L.*, Supplement, vol. 26 (1932), pp. 313-317; Stewart, Irvin, *Consular Privileges and Immunities* (New York, 1926), pp. 14-15; Lawrence, *op. cit.*, p. 297; Buffanais, *Les Consuls en temps de guerre et de troubles* (Paris, 1933), p. 196; Borchard, E. M., *Diplomatic Protection of Citizens Abroad* (New York, 1927), p. 223; Fauchille, *op. cit.*, III, p. 127; Wilson, *International Law*, p. 203; Von Liszt, F., *Le droit international* (Paris, 1927), p. 140; Nielsen, F. K., *International Law Applied to Reclamations* (Washington, 1933), p. 31. Cases include Arnold v. United Insurance Co. (1800), 1 N. Y. Comm. L. R. 354; Viveash v. Becker (1814), 3 M. & S. 284; Oscanyan v. Arms Co. (1880), 103 U. S. 261; Mallen v. U. S. (1924), Nielsen, *op. cit.*, pp. 177-188; Chapman v. United Mexican States (1930), *A.J.I.L.*, vol. 25 (1930), p. 545; *U. S. For. Rel., 1893*, p. 510; *ibid., 1899*, p. 674; *ibid., 1900*, pp. 534, 643; *A.J.I.L.*, vol. 18 (1924), p. 770.

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The legal requirements of this particular case, however, seem to have been taken care of by the prompt action of the Madrid authorities.

Sufficient facts are lacking in the case of the Polish consul to know whether he was a Spaniard holding the position of honorary consul, a Pole holding the same position, or a bona fide Polish career consul. In any case he was entitled to protection sufficient for the fulfillment of his duties unless he were a Spaniard engaged in political activities at the time of his death or violating municipal law. The nature of the Polish demands would seem to indicate that he was a Polish national, and that the case was one of unprovoked murder. In such a case, of course, the Madrid government would be liable for compensation.

The Uruguayan consul occupied a very curious legal position. By a Spanish decree of June 19, 1931, exequaturs or authorizations for the exercise of consular functions may not be issued "to representatives of the nation in the Cortes during their term of office, it being understood that if an honorary consul of a foreign country is elected representative to the Cortes, his consular functions shall cease *ipso facto*." [55] This takes care of the present case, since the Uruguayan consul was at the time a representative in the Cortes, and had thereby lost his consular character. Since he was a Spanish citizen as well as a Uruguayan, the Uruguayan government would have no grounds for protesting in his case. If anyone were to be held liable for his death, it would be the insurgent authorities, not the legitimate government, which would not be liable for acts performed in insurgent territory by insurgent authorities, unless it had failed to show due diligence in preventing or suppressing the insurrection.[56]

[55] Feller, A. H., and Hudson, M. O., *Diplomatic and Consular Laws and Regulations* (Washington, 1933), II, pp. 1126-1127.

[56] Borchard, *op. cit.*, p. 229; Fauchille, *op. cit.*, I, p. 308; Calvo, C., *Le droit international* (Paris, 1896), III, p. 142; Hall, *op. cit.*, p. 274; Hershey, *op. cit.*, p. 118; Moore, *op. cit.*, VII, p. 957; Oppenheim, *op. cit.*, I, p. 309; Nielsen, *op. cit.*, p. 31; Hyde, *op. cit.*, I, p. 538; Rougier, Antoine, *Les guerres civiles et le droit des gens* (Paris, 1903), p. 448; Wiesse, Carlos, *Le droit international appliqué aux guerres civiles* (Lausanne, 1898), p. 42; Home Miss. Soc. Case,

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Confusion still prevails regarding the rights and obligations of contending factions in civil disputes. The events of the Spanish war which have been traced above indicate somewhat the extent to which armed forces in Spain have exceeded the bounds of even that nominal body of generally accepted international law relating to such matters. While the argument may always be made that it is of little use to have agreements and conventions regulating the conduct of armed forces in time of war because such agreements will be put aside or disregarded, nevertheless it is believed that it would be highly desirable were the states of the world to draw up and accept an international convention defining clearly the rights, duties and obligations of armed forces in time of civil strife.[57] While of course the insurgents would not be parties to such an agreement, they would be inclined to respect such instruments if it were made plain therein that infractions by either group constituted liabilities against the state itself to be compensated for by whatever government held power at the termination of the hostilities.

A.J.I.L., vol. 14 (1920), p. 294. Also see examples in Moore, *op. cit.*, VII, pp. 954-972.

[57] The Pan-American Convention on the Rights and Duties of States in Time of Civil Strife is a desirable step in the right direction.

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MAN VERSUS FLOODS

THE flood problem in the United States has become, in recent years, more a matter of psychology and politics than an economic or social problem. Through the agency of such modern means of communication as the newspaper, the movie and the radio, the American people, always ready to give generously to the unfortunate victims of disaster, have been made acutely aware of the human suffering and widespread destruction which follow in the path of a great flood. We have not only been stirred to the depths emotionally by pictures and broadcasts describing all the harrowing details of recent disasters, but have begun to worry about the possibilities of similar dangers in our own areas.

Obviously, when emotion, sentiment and fear have the upper hand, we are in no frame of mind to reason calmly and logically about a problem. Coupled with a blind faith in the unlimited powers of modern science and engineering to do anything, we assume that floods can be stopped, that it is merely a matter of spending "nobody's money" — that is, public funds — to stop them, and we thus demand that floods cease. Washington assures us that the administration will soon end erosion, floods and dust storms, and is prepared to create new federal activities which will dissipate more millions in works which may be economically unjustified and will probably add little or nothing to our national wealth or prosperity.

There are three basic questions which immediately arise when a calmer, less emotional study of the flood problem is attempted. In the first place, what can be done to reduce flood hazards; secondly, what is worth while doing from a broad social and economic, a national viewpoint; and, finally, bearing in mind state and federal jurisdictions and the fact that floods pay no attention to political boundaries, how should such works be financed and administered?

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Flood Control

What can be done in the way of flood control is clearly a question for the technical and engineering experts. The basic problems and principles involved may, however, be easily grasped even by the layman. The erroneous ideas that floods can be *prevented*, and also that they are something new in the way of bothersome natural phenomena, are the first matters that need clarification.

The study of the surface of our globe, the materials of which it is composed and the forces which have formed it, is the special labor of the geologist. He spends his life studying the epidermis of Mother Earth, and the agencies which produce the changes that are constantly taking place in this skin on which we live. Clearly all the earth's surface was once molten, and clearly the oldest rocks of her surface are of igneous origin. But we know that there are wide areas covered either by sediment or by rocks formed from sedimentary deposits. All such areas are the direct result of erosion, and the principal agency of erosion is water. In other words, surface wash from rain, stream flow and floods has been for millions of years carrying down material from the high lands and flooding or filling the valleys, and there is no reason to suspect that this force is more active today than it was a thousand or more years ago.[1]

In dealing with floods, therefore, we are dealing with one of the oldest and most powerful of natural forces. We can no more stop or *prevent* floods than we can turn night into day. We may, to be sure, to some extent *control* floods — even as we can turn on a few electric lights to ease the inconvenience of darkness when the sun sinks below the horizon. The idea of prevention, however, is sheer nonsense, as is the notion that floods are more frequent than in the past, and control is limited

[1] In this connection it is interesting to note that dust storms also are not a recent development brought forward by malcontents to provide methods of spending money for a benevolent federal administration. Geologists assure us that the soil of the eastern central states, from a few inches to several feet in depth, is simply the accumulation of dust storms of the past.

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to what it is possible for man to accomplish against one of the greatest and least controllable phenomena of nature.

We must also understand that water is incompressible—to use an Irishism, it is a fluid solid—and that the volume of water involved in a flood flow is completely beyond even our control, despite all the promises of rain-makers, drought-busters, forestation experts, and other misguided enthusiasts. The total amount of water involved in a flood is simply a matter of the intensity and duration of, and the area covered by, the rainfall causing the flood.

We get a healthier respect for this problem when we recall the pictures of the lower Ohio Valley during the last flood. Filled miles wide with water from Wheeling to Cairo, even the huge valley of the Ohio was taxed to the utmost to hold this flood. No effort of man could have appreciably reduced the volume of that immense inundation. Practically all the water which falls originally as rain must ultimately find its way to the sea again to be evaporated, condense in clouds, and complete a cycle which has been going on for uncounted ages.

There are only two types of flood works, protective works and control works. We can improve our river channels by straightening them and removing obstructions so that they will carry off flood waters more readily and rapidly; we can hold back flood waters by means of embankments and levees; or we can hold back some of the flood flow itself in "detention" reservoirs, releasing it at a rate such that the channels below will carry it off without exceeding safe levels.

Which one of the three methods of ameliorating flood conditions is the best to follow is a pure problem of engineering design and construction economics. Varying local conditions may make channel improvement, or a combination of channel improvement and levees, the most effective method per dollar expended, as is the case on the lower Mississippi. In other locations, a combination of channel and reservoir construction may prove desirable, as in the Miami River work at and above Dayton, Ohio. There are, of course, reservoir enthusiasts who claim that storage reservoirs alone will solve the entire problem. Recall again those pictures of the Ohio flood, consider the fact

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that even the normal Ohio Valley proved to be too small a reservoir to hold this huge flow, and then picture the many and huge storage basins which would have to be built on the tributaries of the Ohio to hold back an appreciable part of this volume. Detention reservoirs merely transfer the flooded areas from the more valuable lower valleys to the usually less valuable upper areas. Close to the same total area will be flooded in either case. Furthermore, such reservoirs do not affect the flow which finds its way directly into the main stream—they reduce only the flow from tributaries. Thus the many and costly proposed reservoirs above Pittsburgh may reduce flood levels at Pittsburgh by several feet but will have little effect on flood heights in the lower, broader valley below.

Clearly there is no one answer to the question of what is the best plan for *all* regions. What is best in any particular area is a problem of technical study and design, and can best be left to the qualified experts—the civil engineers.

Flood Economics

Much sentiment and some mock-economics have been spilled over the so-called social implications of the flood problem. We are assured, for example, that, when human life is endangered, no calm and unbiased economic analysis of a flood situation is necessary. We should not consider cost and weigh it against values received in the form of benefits, for human life and suffering are not measured in dollars and cents. This is not, we are assured, a picayune problem of mere money, but is a matter of saving lives and of social rehabilitation.

The basic errors in this viewpoint lie in the assumption that the only way to save the lives of those living in flood areas is through the construction of tremendously costly flood works, and in the further assumption that a nation can go on indefinitely spending public funds for works which do not appreciably increase the national income or wealth. As a matter of fact, money spent for flood control is simply money spent for the privilege of living in and using the low valley areas which nature intended for flood channels. It seems obvious that, if the cost of making these areas safe for human use through the

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construction of flood works exceeds in amount the economic values which may be thus realized, the sane answer to the problem is to force those who thus endanger their lives to move to higher ground. Suicide is frowned upon, but we permit our blindly optimistic or stubbornly determined countrymen to settle in areas which are known to be subject to flood dangers and then, when the inevitable happens, advise the expenditure of millions of other people's money to make them safe in their dangerous homes.

The most effective and, in many if not most of our flood areas, the least costly method of preventing loss of life and flood damages lies in passing legislation in every state, and through constitutional amendment if necessary, which will give suitable authorities the power to prevent the further encroachment of man on our river valleys, and to condemn and remove from the danger zones both dwellings and other structures which obstruct flow.

Such legislation would require in some regions a coördination of state activities with those of the War Department, which now controls certain of the navigable elements of our so-called navigable streams. It would also involve interstate coöperation, necessitating a type of organization such as is discussed later in this paper. There are today, however, few state agencies which exercise any control over our streams, and none that we know of which have any power whatever to clean up the bad conditions that have been allowed to develop in the past. It is a truism that man himself has created most of our flood hazards through encroachment on nature's waterways, and it is a sad example both of our lack of foresight and of our wasteful spending that we do nothing to prevent this encroachment, but actually plan to encourage it through the construction of costly protective works.

There are very great practical difficulties involved in this proposal which work against its adoption, even though it is acknowledged that it is a sound method of handling many flood problems. Man does not like to withdraw from the conflict and leave nature to take its course. Those forced to abandon their homes naturally protest vigorously. Politicians will capi-

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talize on the superior public appeal of a plan of action as against a proposal to retreat. And, finally, the apportionment of the costs of condemnation and removal raises difficult problems of finance and taxation. Flood works produce benefits which may in large part be assessed against those benefited, but the cost of condemnation and removal must clearly be carried through special and general taxation. The construction of unjustified flood works may thus result in a smaller general assessment than would be involved in a program of condemnation and removal. These difficulties, however, are not insuperable, and it is to be hoped that this much needed cleaning up of man's encroachments on our streams and the removal of flood hazards may find inclusion in future plans for flood control.

On the other hand, there are some locations where low-lying property is more fully developed and large capital sums have been invested in structures and equipment, where the benefits to be derived from flood control may show an unquestionable economic justification for such works; areas where the economic values involved in the occupation of flood zones justify the cost of insuring these values against flood risks. The technique of quantitative analysis necessary for the justification of such works on an economic basis has been quite completely developed by engineers and is no longer a mere matter of opinion or of a qualitative answer.

An outstanding example of such analysis is found in the work of the Miami Conservancy District in Ohio. Following the disastrous flood of 1913, a general conservancy law was passed in Ohio [2] and a conservancy district was organized in the Miami area in which Dayton is the principal city. Plans were prepared and costs estimated, the benefits of relief from floods were appraised, the work was shown to be justified, bonds were sold, the works were constructed, and, for almost twenty years, these works have been in full and most successful operation. Some 77,000 parcels were assessed for benefits in this work; there were only 1900 exceptions taken to the assessments.

[2] Laws of Ohio, vol. 104 (1914), p. 13.

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In only 500 cases were appeals taken to the Conservancy Court, and in only 19 cases were changes made in the amounts assessed.[3] This almost perfect job was carried out under a law which gives every possible protection to the individual citizen from unnecessary or unwarranted tax burdens, and the entire work was financed in the local area and by those actually benefited.

The margin of justification in this Miami work—that is, the excess in value of relief from flood damages over the actual cost of the flood works—was very great. The basic factors in the plan of appraisal adopted required little costly investigation and were assumed by the engineers after conference with real estate and other interests. An even more complete and, in many respects, more fully developed and scientific technique was used in a survey of the Passaic Valley flood problem in 1931.[4]

While space does not permit an extended description of the technique of analysis, this study represents the most complete and exhaustive survey ever made of the value of insuring against flood risks through the construction of flood works. Primary or direct damages were appraised through detailed study of selected sample areas. Secondary damages—loss of use and profits in business, of employment and time, the cost of relief, and similar indirect losses—were fully allowed for. A long range scientific and statistical study of flood conditions on the Passaic permitted an estimate of the size and probable frequency of flood flows to be made. The value of relief from floods was then computed as the present worth, or capitalized cost, of relief from the estimated damages occurring at the intervals shown by the flood-frequency studies. In short, the estimate of damages was not based on direct damages alone or on a single great but infrequent flood. All damages by floods of all magnitudes up to the maximum possible were evaluated.

In this particular analysis, the cost of the necessary protective control works was so great that the present worth of relief

[3] For a brief review of this appraisal, see *Engineering News-Record*, vol. 89 (1922), p. 831. Also reports of Miami Conservancy District.

[4] *Special Report No. 2, Control of Floods on the Passaic River*, State Water Policy Commission, New Jersey, 1931.

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from damages failed to justify their immediate construction. A further study showed, however, that in the course of time values in the lower Passaic may increase to such an extent that those then benefited may be reasonably expected to carry the burden of constructing these works.

Unfortunately, the problem of flood relief has often been confused and complicated by dragging into it proposals for water power development, navigation and other water uses. There can be no question that, in some cases, a broad gauge, long range vision of possibilities requires a consideration of all these possible uses and benefits. From the standpoint of sound business economics, however, the problem becomes hopelessly involved when all kinds of Utopian dreams are brought in and are assumed to bolster up the values involved to a point where the work may be claimed to be "in the public interest". While it is right and proper that all values which may be attached to a work should be considered, and that the final judgment should be based on a consolidated cost and operating statement, such wishful thinking as is common in many of these so-called economic studies is simply a joke. No business man can confuse income with outgo and continue in business, and, in the end, no nation can continue to operate on this happy-go-lucky opportunism without, sooner or later, getting into difficulties. It is highly desirable that we be socially minded, but we should avoid developing soft heads in making these attempts to further our national development.

Organization and Administration

It is unfortunately true that most of our political boundaries pay no attention to watershed areas, whereas such areas are becoming of greater and greater importance as increases in population force attention to our water problems and the utilization of our water resources. A revision of political boundaries, to make them conform to drainage areas, being out of the question, the problem of reconciling conflicting jurisdictions, particularly those involving interstate areas, has become a basic one in connection with many water supply, water power, stream

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pollution, and similar questions, as well as in the case of flood control.

In the East, this problem has arisen in several instances; for example, in the use of the waters of the Swift and Ware, tributaries of the Connecticut River in Massachusetts, for the water supply of Boston, thus involving the rights of Connecticut in the flow of this stream. Similarly, the interests of New York, New Jersey and Pennsylvania were involved in the Delaware water supply for New York City. In the West, where priority rather than riparian rights controls, the situation is in an even more unsettled condition, with the economic use of water within a watershed largely overshadowed by acrimonious interstate controversies.

While these same difficulties of jurisdiction arise in connection with many flood projects—the Ohio problem, for example, involves seven states directly and five more somewhat less so—the general problem of the economic use and development of our water resources unquestionably overshadows even the flood problem. It is one of the broadest and most important problems of our modern days.

With these facts in mind, and considering the difficulties of state jurisdiction and the scope of the problem, many observers insist that flood control must be undertaken and financed by the federal government. In some cases this viewpoint is undoubtedly colored by local interest which is always ready to have local problems solved at federal expense. The opponents of this proposal point out that many flood problems are purely intrastate rather than interstate, and that the direct benefits are local rather than national. All that is necessary, they claim, is the authorization by Congress of interstate compacts, wherever necessary, permitting the states involved to set up joint commissions to supervise the economic use of water resources, to control watershed constructions, to plan flood or similar projects, to apportion costs, and to construct and operate the necessary works. Add to this, they suggest, federal aid for flood control, conceived on a basis similar to federal aid for highways, and representing in amount some fair proportion of the secondary damages, and the problem is solved. Such fed-

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eral aid will have more or less of a promoting and regulatory influence which, as in the case of highways, will aid in the initiation of worth-while projects, and will insure adequate organization and planning as a prerequisite to federal grants. It will leave the major financial burden to be carried by those directly benefited, thus encouraging the construction of works which are economically justified and not perpetuating the present plan of plundering the federal pork barrel for all sorts of unnecessary and unjustifiable local constructions.

Other students of the problem appear to favor the authority type of organization. They recall the growing use of the district commission or authority type of organization to handle both intrastate and interstate problems. President Roosevelt has advocated some seven or more such authorities, set up like the T.V.A., to handle navigation, flood, water power, irrigation, and other water problems and administration in various drainage areas. As long as such authorities are financed by Uncle Sam and keep within powers granted to Congress under the Constitution, the states involved may not raise any objections. When, however, such authorities begin to levy local assessments, as they unquestionably should, if part of the cost of such works is to be met by those benefited, it seems probable that the states may justly claim that their rights are being invaded. Furthermore, such authorities tend to become a law unto themselves. Subject to no control by state public service commissions, practically forced to find new projects and new constructions if they are to maintain their growth and prestige, they have all the drawbacks of an uncontrolled bureaucracy.

Perhaps the answer is that, while the aims may in all cases be the same—namely, the economic utilization of our water resources for the benefit of the public—the best methods to be adopted in particular cases, to achieve these ends, may differ. One thing at least is certain—the proper answer is not to be found in any one of these proposals but in some combination of their various good points which will reserve to the states involved a reasonable measure of local sovereignty and, at the

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same time, will permit adequate organization to undertake the sane solution of these problems.

Suffice it to say that the case of man versus floods, stripped of all its emotion, sentiment, fear and wishful thinking, still remains an important element in one of the major questions of the day. The development of our water resources in its broader aspects is related to our agricultural and industrial growth and, although of a different nature, ranks in importance with these great problems. That we should not rush blindly into some ill-considered solution of such a far-reaching problem is clear, but it must be admitted that the chances of an impartial, honest, nonpolitical study seem rather remote. Congress listens for the voice of the people, and the people, like Kipling's village which voted that the world is flat, are apt to forget reason and play into the hands of politicians who are ready to try to prevent floods at the public expense.

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AUSTRALIA AND JAPAN: CONFLICT IN THE SOUTH PACIFIC

THE relations of Australia and Japan are on the margin of world politics but are nevertheless contributing to the general instability of international relations today. Less than a year ago a trade war of great intensity between these two countries was peculiarly menacing because of Australia's vital position in the British Empire. Nor was this trade war merely a passing disturbance of normally friendly relations. On the contrary, Australia and Japan have had chronically vexed relations for forty years, arising in the first instance from Australia's Asiatic exclusion policy and in the second place from Japan's determination to find a place in the sun. When to these smouldering dissensions there was added the economic conflict of two empires, the long-standing tension became acute crisis.

Before the formation of the Commonwealth, Australian-Japanese relations were concerned almost wholly with the question of immigration. Early in the nineties of the last century the policy of excluding all Asiatics from Australia was seriously considered, and on the recommendation of the regular conference of Australian premiers in 1896 such legislation was adopted by the various states. Queensland, however, desiring the entrance of Japanese to work her pearl fisheries, entered instead into a "Gentleman's Agreement" with Japan, the first of its kind, whereby the latter regulated the emigration of her nationals in accordance with Queensland's wishes. Because of Japanese objections, the British government disallowed the exclusion acts and suggested in their place language tests which would not be as openly discriminatory and offensive. This interference by Great Britain was an important stimulus to the confederation movement, and in 1901 practically the first act of the newly formed Commonwealth was to

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consider a Japanese exclusion bill. In December of that year, the Australian Parliament by an overwhelming majority enacted a law effectively excluding Japanese by requiring the immigrant to pass a dictation test in some European language.[1] Only a few Australians dared to protest against the statements made by responsible political leaders that it was necessary to keep out the "coffee-coloured, copper-headed viper in the bosom of the Commonwealth",[2] and that Australia "must be kept free from the admixtures of these Asiatic races."[3] The Japanese government protested against this law as an affront to her national dignity and demanded that she be treated as the equal of any European nation. She was quite willing, however, to enter into an agreement with the Commonwealth, similar to the one which she had made with Queensland. This was effected in 1905, when Australia agreed to give the admission test in any language, while Japan undertook to limit her emigration to transients—tourists, merchants and students.[4] Except for a slight revision in 1925, designed to prevent evasions, the law today is the same as that of 1905. This policy, which has made for a "white but empty" Australia, has given the Japanese press a perennial cause of complaint not only against the Commonwealth but also against the entire British Empire.

Some Australians, notably Henry N. Boswell, former Premier of South Australia, have urged that the northern territory, which has only four thousand persons living in five hundred thousand square miles and is not attractive to white settlers, be opened to the immigration of Japanese labor. But so firmly established is the "White Australia" ideology that even this proposal is advanced only as a means of maintaining general exclusion by opening a limited portion of the country to the Japanese and thereby freeing the remainder from the

[1] Australia, *Parliamentary Debates*, vol. I, pp. 688, 740; vol. VII, p. 8392.

[2] *Ibid.*, vol. IV, p. 5221.

[3] *Ibid.*, vol. VI, p. 8319. There were only about four thousand Japanese in Australia at this time, most of whom had come on the invitation of the Queensland government.

[4] *Ibid.*, vol. XXVIII, pp. 4121-4127; vol. XXX, pp. 6972-6975.

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threat of Japanese aggression.[5] For it is the fear of Japan which gives significance to this issue. Australia bars Italian immigration, yet there is no Italo-Australian friction on this account. It is only in relation to the larger pattern of Japanese imperialist ambitions that this exclusion policy has any real importance in Australian-Japanese relations.

Australia has long felt herself in the shadow of these ambitions. With the rise of Japanese power after the Sino-Japanese War, and especially after the Russo-Japanese War, Australia's fears shifted from Russia to Japan.[6] Repeated rumors of Japanese spying along the northern coast of New South Wales and the Great Barrier Reef were current between 1905 and 1910. These were partially responsible for the adoption of compulsory military training in 1909 and the formation of a separate Australian navy a year later.[7]

The World War found Australia and Japan fighting as allies but the course of events contributed more to estrangement than *rapprochement*. The cool British reception of the "Twenty-One Demands" provoked an anti-British campaign in the Japanese press which made Australia doubtful of her ally. Throughout the War, Commonwealth newspapers expressed the belief, which was not denied by the government, that Japan had made official representations concerning the exclusion policy.[8] When Prime Minister Hughes, returning from Great Britain in 1916, announced his support of conscription, it was currently implied in the press that he had in mind a Japanese threat to the "White Australia" policy after the War. Moreover, when Japan seized the German islands in the Pacific, Australians were not aware that their government had agreed to the occupation, and they saw in it only

[5] London, *Times*, January 9, May 1, 1922; see also D. Hastings Young, *A White Australia: Is it Possible?*, pp. 4, 6, 18, 48, 49; Fleetwood Chidell, *Australia—White or Yellow?*, pp. 107, 144-148.

[6] One of the main reasons for the calling of the Colonial Conference of 1887 was the war-scare of 1885 and the fear of possible designs upon Australia by Russia.

[7] Australia, *Parliamentary Debates*, vol. LV, p. 11; vol. LIX, pp. 681-84.

[8] *Cf. Round Table*, December 1933, p. 88.

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another indication of the aggressive aims of Japan. Nor were they informed that the Japanese warships patrolling Australian waters were there because the defense of the Commonwealth coast had been entrusted to Japan by Great Britain.[9]

Premier Hughes's public utterances after the War were typical of the general anti-Japanese feeling. At the time of the Peace Conference he constantly stressed the need for an "Australian Monroe Doctrine in the South Pacific" and announced in London that "against all predatory nations we shall strive to give this doctrine effect to the last ounce of effort at our disposal."[10] He claimed to see an attack upon the "White Australia" policy in Japan's demand at Paris for a declaration of racial equality, and Japanese held him responsible for its defeat.[11] Within the League of Nations the Commonwealth has continued to be the main barrier to the recognition of this principle.[12]

The Peace Conference confirmed Japanese control of the Pacific islands "contrary to all the expectations of the Australian public who had been allowed by the Government to suppose that Australia would take them over."[13] Japan's activities in Manchoukuo and North China, the more recent incidents in South China, and reports of her interference in the internal affairs of Siam, culminating in the sending of an economic mission in 1936, have not tended to allay Australian anxiety. It is well known that the Japanese navy clique favors expansion into the "Nan-Yo" (South Seas), the limits of

[9] Sir Charles Lucas, *Empire at War*, vol. 3, p. 215; *Times Documentary History of the War, Naval*, vol. 3, pp. 339-40; vol. 4, pp. 404-6; vol. 7, p. 59.

[10] E. L. Piesse, "Japan and Australia", *Foreign Affairs*, vol. 4, p. 485.

[11] Royal Institute of International Affairs, *History of the Peace Conference*, vol. 6, pp. 352-3.

[12] A typical expression of Japanese opinion is the statement made by Viscount Kikujiro Ishii in *Foreign Affairs*, vol. 11, p. 220 (January 1933): "What Japan has insisted upon, what she still insists upon, is that she shall not be made the object of discrimination and derogatory treatment by any of the nations with whom she has relations."

[13] *Round Table*, Dec. 1933, p. 88. Japan's refusal to relinquish the islands after leaving the League of Nations has further spurred Australian doubts and fears.

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which are often defined so as to include Australia. Japanese capital and commerce have been increasingly attracted by the possibilities of the South Sea countries. In 1934 the total value of trade with the region was 1,004,000,000 yen, with Tokyo reporting a favorable balance of 90,000,000 yen. Besides their interests in mining, fisheries and forestry, the Japanese have invested 113,500,000 yen in the agricultural industry in these islands. Since even Japanese business men cannot refrain from stressing the strategic value of the islands,[14] it is no wonder that many Australians fear the military potentialities of the commercial air bases established there.

Australian publicists[15] have voiced their fear of Japan so frequently that Tokyo has found it necessary on repeated occasions to issue official denials of any aggressive intentions.[16] In September 1936, the Japanese Foreign Office went to the length of establishing a South Seas bureau "to end talk of Japanese territorial designs and convince the world that the southward policy is peaceful and aims at the promotion of the interests and welfare of the peoples of the East."[17] The report in November 1936 that the German-Japanese agreements also involved the Netherlands East Indies, which have a common frontier with Australia's New Guinea, has not helped the bureau's work among Australians.

Japanese extremists have done much to feed Australia's fears. Lieutenant Commander Ishimaru, in his book on the *inevitability* of an Anglo-Japanese war, says, "Australia and New Zealand would pass into Japanese hands."[18] Such opin-

[14] *Daiymondo*, January 1936, pp. 39-43 (Courtesy of Mr. T. Haga of the Yokohoma Specie Bank, New York).

[15] Particularly notable are two books—*Pacific Peril* and *Watch the Pacific*—by George Marks, spokesman for the Australian Navy League. Among the more recent books are R. H. Bruce Lockhart, *Return to Malaya* (1936); William Teeling, *Gods of Tomorrow* (1936).

[16] *Vide* London, *Times*, February 1, 5, 1921; October 11, 1921; May 25, 1922; August 15, 1923; January 1, 1924; December 16, 1925; October 13, 1932.

[17] *Japan Chronicle*, September 24, 1936, p. 401.

[18] Tota Ishimaru, *Japan Must Fight Britain* (New York, 1936), pp. 278-279. Pages 240 to 243 are devoted to a detailed account of the methods which would be used by Japanese naval and air fleets in attacking Australia.

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ions are typical of the statements made by Admiral Takahashi, General Araki, former Minister of War, Katsuyo Inahara, Secretary of the International Affairs Association, and Shinosuke Yada, director of the Society for the Study of Siam. The combination of actual, suspected and rumored acts of Japanese aggression, her steady economic advance in the South Seas, and the pronouncements of her civil and military leaders have caused Australians to consider carefully their ability to meet a challenge from the north.

The Commonwealth's interest in her defenses has fluctuated as her relations with Japan have become better or worse. Compulsory military training was suspended by a Labor government in 1929 and the militia numbers only ten thousand, for the main reliance has been placed on naval defense, British and Australian. During the World War the Commonwealth built up her small navy but scrapped a large part of it after the Washington Conference. In April 1930, the government announced a further reduction of at least £500,000 in Defense Estimates. When Japan's naval coefficient in cruisers and submarines was raised from 3/5 to 7/10 at the London Naval Conference, however, Australia felt it necessary to increase appropriations for her own navy. For reasons of economy expenditures were decreased in 1933, but with the recent scrapping of the naval ratios and increasing tension in world affairs (and the return of prosperity) more is being spent on the navy at the present time than ever before.[19]

One of the vital points in Australian defense is the Singapore naval base. The decision of the MacDonald ministry in 1924 to suspend construction was vigorously denounced and resulted in a demand for increases in Commonwealth expenditures.[20] However, work was resumed and the announcement of the approaching completion of the Singapore base has been welcomed even by those who point out that it lies a considerable distance off the probable line of an attack launched from northern waters. Australians have been fully aware of Japan's

[19] London, *Times*, July 25, 1930. *Melbourne Argus*, December 30, 1936, p. 1.

[20] London, *Times*, March 22, 27, April 30, 1924.

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unfavorable attitude toward the fortification of Singapore, and they have given some credence to the rumors that the Japanese government may attempt to nullify the effectiveness of the Singapore base by building a canal across the Kra peninsula (Siam).[21] It is obvious what their reaction to such a canal would be.

In line with her defense measures, Australia has favored collective security within the League of Nations and the maintenance of the sanctity of international agreements. Unlike Great Britain, whose policy was affected by imperial responsibilities, she firmly opposed the Italian invasion of Ethiopia and Germany's program of rearmament under Hitler. Attorney-General Menzies, spokesman for the Lyons ministry, stated in 1936 that any war in which Great Britain took part would involve Australia and that, therefore, the government favored a strengthening of the League of Nations peace machinery as well as an increase in British and Australian naval expenditures.[22]

Although Australia's discrimination against Japanese immigrants is a constant irritant, and Japan in turn makes Australia uneasy with every advance in the Far East, so long as the two nations engage in normal commercial intercourse there is a strong influence counteracting the forces making for hostility. When normal commercial relations give way to open trade war, a state of crisis has been reached.

Australian-Japanese trade first became important during the World War. By 1929, Australian exports to Japan were worth 132,555,000 yen, while imports from Japan were valued at 43,831,000 yen, a favorable balance for Australia of 88,724,000 yen. The Commonwealth has always maintained a high protective tariff on Japanese goods which compete with either British or Australian manufactures, but this had not prevented a steady increase in imports from Japan. However, the combined effect of tariff increases in 1930 and the world economic crisis stopped this trend. The total value of Japa-

[21] Great Britain, *Parliamentary Debates*, vol. 287, p. 1616.

[22] London, *Times*, March 21, 1936.

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nese exports fell from 43,831,000 yen in 1929 to 18,406,000 yen in 1931, while Australian exports to Japan fell only from 132,550,000 yen to 113,337,000 yen. The tariff hit the main items of Japanese exports. The cotton yarns shipped to Australia decreased about 85 per cent in both volume and value, and silk fabrics, the most important single item in Japanese exports, declined in value from 28,314,349 yen in 1929 to 8,737,799 yen in 1931.

The Japanese government was quick to protest the tariff increases. The Australia-Japan Society, a government-sponsored trade promotion organization, carried on extensive propaganda asking for revision of the duties. They stressed the growing importance of Japan as a market for Australia's two main products, wool and wheat. Japanese imports of the former, they pointed out, had increased steadily from 69,929,200 pounds avoirdupois in 1926 to 200,000,000 pounds in 1932. Wheat imports showed a similar rise from 81,050,000 tons in 1928 to 505,143,000 tons in 1931. Threats were made that Japan might seriously consider the importation of South African and South American wool. As for wheat, it was obvious that it could be purchased in other markets.[23] In this instance, the Japanese did succeed in winning a concession, and tariff rates were markedly reduced. There were two basic reasons for the general revision—a change in ministry in Australia and, more important, the cumulative effect of the world depression.

The decline of world prices by approximately 50 per cent in those products which constituted the bulk of Australian foreign trade—wool, wheat and meats—coupled with the cessation of the annual entry of about £40,000,000 of new capital, resulted in an economic crisis unprecedented in its acuteness for the Commonwealth.[24] In order to maintain the national

[23] H. W. Gepp, *Report on the Trade between Australia and the Far East, 1932*, pp. 49-54.

[24] The average price of wool declined from 17d. per lb. in 1927 to 8.7d. per lb. in 1931. The return from wool exports was valued at £60,873,000 in 1927-28; at £27,646,000, in 1930-31. The value of wheat exports fell from £20,000,000 in 1928-29 to £15,000,000 in 1930-31. The decline in wheat receipts

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credit, it was necessary to resort to the export of gold and to increase the volume of exports. A country, which normally had enjoyed a very favorable balance of trade, found in the year 1929-30 that its exports were 24.9 per cent less than its imports. In terms of Australian currency exports had fallen from £138,648,000 in 1928-29 to £98,259,000 in 1929-30. During the period of depression (1929-33) exports to Japan, after a slight decrease in 1929, steadily increased. In value they rose from £6,555,003 in 1929-30 to £11,468,459 in 1932-33 and in percentage of Australia's foreign export trade from 6.67 to 11.66. The excess of Japanese imports from Australia over exports to Australia in 1931 was more than five times the total value of Japanese exports to Australia.[25]

These figures tell why the Lyons ministry, which came into office early in 1932, adopted a most conciliatory attitude toward Japan. As expressed by the new Prime Minister in March 1932, "The Government wanted to treat other countries not as enemies but as good customers."[26] The next four years saw a steady increase in Australian-Japanese trade and a movement to maintain this by the formulation of a commercial agreement satisfactory to both nations.

In 1932, Mr. H. W. Gepp, economic adviser to the Australian government, visited Japan. On his return, he proposed a lowering of the duties on Japanese products, and the recommendation was put into effect in the next year. As a result Japanese exports to Australia showed an upturn of £140,000. In 1934, Mr. J. G. Latham, Minister of External Affairs, headed a good-will mission through the Far East which was obviously a friendly gesture toward Japan. The Japanese press used the occasion to bring up the entire question of Australian-Japanese relations, demanding not only reduced Australian tariffs but equal treatment of Japanese immigrants

has to be read in the light of farm liabilities in the wheat belt. The Royal Commission on Farmers' Debts which reported in August 1931 estimated that long-term debts averaged £1500 for each farm, exclusive of debts to storekeepers, fertilizer companies, doctors, etc.

[25] *Official Year Book of the Commonwealth of Australia, 1935*, pp. 255-259.

[26] London, *Times*, March 24, 1932.

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and reconsideration of the Singapore base policy—menacing to Japan—which they claimed was made necessary only by imaginary perils resulting from the "White Australia" prejudice. Mr. Latham and Foreign Minister Hirota exchanged lavish compliments, vying with each other in denying either aggressive intentions on the part of Japan or discriminatory intentions on the part of Australia. Both declared themselves in favor of a trade agreement. This Latham mission resulted in the appointment of an Australian trade commissioner in February 1935.[27]

Sentiment in Australia was divided. The wool growers stressed the importance of the Japanese market and the favorable trade balance. The Australian Association of British Manufacturers countered by showing that Australia's total favorable balance with Great Britain for the three years ending June 1934 was £50,000,000, as against £20,000,000 with Japan. The Australian Chambers of Commerce opposed the signing of a trade treaty on the grounds that it meant more Japanese competition with Australian goods. Since the British showed a decided interest in the possibilities of an Australian-Japanese treaty, the Commonwealth authorities denied, of course, that any such arrangement would mean disloyalty to the Empire. Japan returned the official good-will visits; preliminary conversations were begun; and late in 1935 Foreign Minister Debuchi stated that Australia and Japan were building "a bridge of friendship across the Pacific."[28] But within six months trade negotiations had been broken off, Australians were again speaking of the dangers of Japanese aggression, and the Japanese press was railing against the "White Australia" policy.

Until April 1936, negotiations were proceeding smoothly and had reached the point where mutual tariff reductions

[27] Australian Eastern Mission (1934), "Report of the Right Honorable J. G. Latham, Leader of the Mission", in Australia, *Parliament, Record of Proceedings and Printed Papers, 1932-34*, vol. 4; London, *Times*, February 13, June 16, 1935.

[28] London, *Times*, January 11, February 5, March 4, April 17, 25, September 7, 11, 12, 1935.

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seemed possible. Then the Australian government introduced legislation designed to increase the duties on Japanese rayons and textiles. Although conversations were not officially ended, the situation became extremely acute. The Japanese Consul-General in Australia, Mr. Murai, spent days in Canberra trying to prevent the proposals from becoming law, while in Tokyo there was immediate talk of reprisals. On May 26, the Commonwealth government said that it expected no difficulty to arise out of the increase in duties. The same day, however, the Japanese threatened to invoke the Trade Protection Law against Australia and both sides began to drop their tone of politeness and amiability. Canberra denied that it opposed a trade treaty with Japan, but insisted that any new agreement would have to limit imports of artificial silks and cotton goods to the amount intended under the existing duties. To the threatened application of the Trade Protection Law, the Commonwealth replied by intimating that denial of import licenses for Japanese goods might result in complete exclusion of her rayons and cottons. Nevertheless, the Japanese government on June 25, 1936, declared the Trade Protection Law in effect against Australia, and the Australian government countered with the application of the import licensing system. In Japan the Minister of Trade went so far as to set up a fund to subsidize more expensive wool imports from South Africa and South America.[29] The trade war had begun. For six months each side demanded that the other take the initiative in removing its trade barriers. Not until December 26, 1936 was the conflict resolved.

Public opinion in each country approved the intransigeance of the government. Even the associations of sheep-graziers in Australia, who stood to lose the most by a Japanese boycott of Australian wool, congratulated the government on its firm stand. They were confirmed in this attitude by the fact that prices retained their level as a result of decrease in world production and increase in demand. In Japan public opinion

[29] London, *Times*, April 24, May 26, June 9, 23, July 2, 1936; *Oriental Economist*, July 1936, p. 413.

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was no less emphatic. Army circles led by General Terauchi denounced Australia's action and called upon the government to institute a vigorous boycott. They led the way by introducing the use of synthetic wool for the manufacture of uniforms. A Wool Import Control Association including all the leading textile manufacturers in Japan was established and attempted by united action to foster substitution of South African and South American wool for Australian.[80]

Significantly, neither in Australia nor in Japan was the trade war considered merely a dispute between these two countries but rather a conflict involving the entire British Empire. The Australians saw a danger to imperial preference in such trends as the increase of Japanese cotton textile exports to Australia from 36,000,000 square yards in 1932 to 86,000,000 square yards in 1935 and the greater increase in rayon goods from 8,400,000 square yards to 65,000,000 square yards. Before applying the textile duties against Japan, Australia had offered to reduce textile duties if Japan would limit her exports of cotton goods to 50,000,000 square yards and her rayon exports to 30,000,000 square yards (which was above the 1932 figure but below that of 1935), and she saw in Japan's refusal a determination to take the entire market for herself at the expense of British manufacturers. While it is true that the percentage of exports to Japan in Australian trade rose from 5.2 in 1930 to 11.2 in 1934, the United Kingdom in the same year took 51.7 per cent of Australian exports.[81] Also, as a result of the very favorable Ottawa agreements, Australia had risen by 1934 from the seventh to the third place (in total value) in the imports of Great Britain. Prime Minister Lyons clearly stated that the government was determined to preserve the Australian market for British industry, because, quite apart from wool and wheat, Australia sold almost all her exports—87 per cent of her beef, 93 per cent of her mutton, 99 per cent of her lamb, and 93 per cent of her butter—to Great Britain.

[80] *Japan Chronicle*, July 2, 1936, pp. 15-17; August 27, Commercial Supplement, p. 85; September 24, p. 23; October 1, Commercial Supplement, p. 131.

[81] *Japan Chronicle*, July 30, 1936, p. 147; August 27, p. 276. League of Nations, *International Trade Statistics, 1934*.

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In fact that country spent four times as much as Japan in Australia. Consequently, the government could not and would not weaken the policy of imperial preference. In an unprecedented nation-wide radio address, Prime Minister Lyons declared that the Japanese, "having practically monopolised the rayon market, were now seeking to capture the cotton market, which was chiefly reserved for Great Britain as a part set off against Australia's huge exports." [32]

The Japanese government denied any intention of breaking down the preferential system, or of dictating the tariff policy of Australia, as some officials of that country charged, and maintained that British textile interests were dictating the measures of the Australian government. Japan pointed out that this was not the only action that had been taken against Japanese exports but was fully in accord with the prevailing British policy. In India, measures similar to those taken by Australia were being discussed; Japanese attempts at trade negotiations with Egypt and Iraq had suddenly been disrupted; the Crown colonies already excluded Japanese textiles.[33] In short, Australia's actions were just another example of British resistance to the increasing competition of Japanese textiles. Although the British have never admitted that they were behind the sudden reversal in the Commonwealth's policy which started the trade war, all the evidence indicates that Lancashire was very active and did greatly influence Australia's actions. Sir Henry Gullett, Minister of Trade, after describing the inroads made by the Japanese into the Australian market at the expense of the British, stated, "It was certain that if action by the Commonwealth Government had not been taken, Britain would have lost practically the whole of her cotton export trade to Australia." He remarked also that the action taken was in defense of the "overwhelming majority of Australia's primary producers who are dependent upon the British market." [34] This sentiment was repeated by all the government spokesmen during the seven months of

[32] *Japan Chronicle*, August 6, 1936, p. 183.

[33] *Ibid.*, July 2, 1936, pp. 16-17; August 20, Commercial Supplement, p. 75.

[34] *Melbourne Argus*, Dec. 28, 1936.

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trade war. To Mr. Forgan Smith, Premier of Queensland, "the whole policy of the Prime Minister [Mr. Lyons] and his colleagues had been so much pro-British that it was anti-Australian." [35] The Japanese were quick to point out that the sudden change for the worse in the attitude of the Australian government toward Japan came soon after a Manchester economic mission visited Australia. The request of Sir Ernest Thompson, its leader, that the Commonwealth take measures to exclude Japanese goods had been sympathetically received by Premier Lyons.[36] Australia, indeed, had been willing to listen to a British request for limitation of Japanese imports, since she was anxious to secure the renewal of the Ottawa agreements in 1937. It is true that Japan is becoming a better market for Australian goods, but the British market is still fundamental.

Late in December 1936, as it appeared that neither side was gaining from the impasse, a way out was found. There was no written bilateral agreement. Instead the two governments issued practically simultaneous statements announcing the end of the trade war and a mutual revision of trade restrictions. Both abolished all special impositions on each other's exports, and agreed upon specific limitations of Australian wool and Japanese cottons and rayons.

These terms represented considerable concessions on both sides. Whereas Japan had originally been willing to allow only 400,000 bales of wool from Australia, she now permitted 530,000 per year up to June 30, 1938. For the same period Japan was permitted to send to Australia 76,875,000 square yards of cotton goods (exclusive of calico for bag making) and an equal quantity of rayon goods, as against the limit of 50,000,000 and 30,000,000 square yards, respectively, previously offered by Canberra. For each, it meant a loss of trade compared with the previous year. Australian wool exports were reduced to 71 per cent of 1935 and Japanese textile exports to 82 per cent.

[35] *Ibid.*

[36] Quotation from *Yomiuri* in *Japan Chronicle*, Jan. 1, 1937, p. 4; London, *Times*, March 13, 1936.

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The settlement is not yet considered final. According to the *Osaka Mainichi* of Japan the "new agreement is nothing but a provisional stipulation",[37] while the London *Economist* refers to it as "a truce" and "modus vivendi".[38] The new Consul-General in Australia, Mr. T. Wakamatsu, said that "the *provisional* agreement was not any too satisfactory to Japan, but that it seemed to be the best compromise available in the present circumstance."[39] The Australian Association of British Manufacturers declared that Lancashire would be disappointed, but that the English should recognize that they had benefited considerably. The Canberra government claimed that it had succeeded in its purpose of preventing the total capture of the Australian market by the Japanese.[40]

Japan faces the necessity of buying wool in Australia, which until now has found it advisable to cater to British interests at the expense of the Japanese.[41] On the other hand, Australia, in order to keep the much desired Japanese market, must accept imports from Japan and yet satisfy the constant British pressure to restrict Japanese imports. Only in the event of the three countries reaching a solution of this dilemma is there a possibility for a definitive trade treaty.

At a time when British imperial and Japanese aims veer with every shift in world affairs—sometimes conflicting, sometimes coinciding—the cross currents set up by Australia and Japan are a potent factor in determining the outcome. With Japan's perennial grievance over the immigration question and the "White Australia" policy, with Australia's distrust of Tokyo's generals and admirals, this partial and unstable settlement of the trade war between the two countries scarcely promises calm over the Pacific.

[37] *Osaka Mainichi*, December 29, 1936.

[38] *The Economist*, January 2, 1937, p. 10.

[39] *Sydney Morning Herald*, December 31, 1936.

[40] *Melbourne Argus*, December 28, 29, 1936.

[41] *Oriental Economist*, December 1936, p. 807.

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CONCERNING THE FRONTIER AS SAFETY VALVE

IN June 1935, the POLITICAL SCIENCE QUARTERLY published the first of two articles by Carter Goodrich and Sol Davison on the theme "The Wage-Earner in the Westward Movement", the second article appearing in March 1936. In presenting their findings the authors refer to their conclusions as "tentative" and profess merely to believe that no "significant number of American wage-earners did in fact 'escape as individuals'—or in organized groups—'to lands that [were] free.'" They also concede that "the abundance of western land drew away many thousands of *potential* wage-earners who might otherwise have crowded into the factories 'from the hill towns of New England' and 'from the exhausted farms of New York and Pennsylvania'", and they comment: "Though here the 'safety valve' was the farmer's rather than the worker's, we need not doubt that its operation tended to hold up the level of industrial wages." In short, so restrained appear the pronouncements of these writers that their readers are authorized to hold fast to all aspects of the safety-valve theory save that single feature which assumes that free or cheap lands in the West constituted a city-of-refuge for industrial laborers of the eastern cities.[1]

Goodrich and Davison, however, obviously believe that their research is conclusive on that one point. They "cannot . . . accept the safety-valve doctrine in the direct and literal form in which it has been stated by Turner and his followers", which "seems to have had no basis more substantial than the political debates over the homestead acts and the hopes and aspirations of Greeley and Evans, and can hardly be maintained *unless new and concrete evidence is brought forward to its support.*" (My italics)

[1] The present writer published "Some Facts Bearing on the Safety-Valve Theory" in the December, 1936 issue of the *Wisconsin Magazine of History.*

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The gentlemen are to be commended for the judicial tone they maintain throughout the articles, though serious doubts must be entertained about the validity of their methodology. This, in a word, is an attempt to prove a negative by means of negative testimony, employing mainly the *argumentum ex silentio*, always in logic a dangerous expedient.

They concede that the popular belief of statesmen, politicians, philosophers, editors and the general public favored the validity of the safety-valve theory in its fullest extension. They also admit that all or nearly all historians have been of the same opinion. They even quote such outstanding land and labor specialists as Edward Gibbon Wakefield and Karl Marx on the same side of the question. But all this positive testimony they firmly set aside as illusory when the newspapers are found to be silent on the subject of the migration of workers to the West and the few records of colonizing movements studied are also indecisive.

The authors, indeed, profess to have used material held by a number of the state historical societies in the West, mentioning those of "Wisconsin, Iowa, Minnesota, Montana, Nebraska, Kansas, Oregon, California" and Missouri. But so far as their footnotes reveal them, the only manuscript sources canvassed were one in Minnesota containing the testimony of a single individual, E. M. Drew, to the inefficiency as colonists of "mechanics", certain records in Kansas relating to the emigrant aid colonists from the East, and papers on the founding of Greeley, Colorado.

It is not my purpose to traverse in detail the course of the investigation Goodrich and Davison describe, though it would be pertinent to call attention to several notable omissions from their roll of adherents to the safety-valve theory. It is strange to find a study covering so much ground in the form of quotations from early and recent proponents of the doctrine which makes no mention of Benjamin Franklin. For where is there a clearer statement of the theory than that which Franklin predicated on his own observation in Pennsylvania and the other colonies?

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In his "Observations on the Peopling of Countries", written at Philadelphia in 1751, Franklin says: "So vast is the territory of North America that it will require many ages to settle it fully; and till it is fully settled labor will never be cheap here where no man continues long a laborer for others but gets a plantation of his own, no man continues long a journeyman to a trade but goes among these new settlers and sets up for himself, etc. Hence labor is no cheaper now in Pennsylvania than it was thirty years ago, though so many thousand laboring people have been imported." [2]

Franklin also saw, what Turner elucidated in our own day, that the American colonies were a "frontier" for Europe; that the cheap lands overseas maintained the level of laborers' wages in England on a higher plane than in continental Europe. "This salutary effect", says Franklin, "will be produced even without emigration, and will result from the mere possibility of emigration. . . . But the rise of wages will not be equally felt by the different countries of Europe. It will be more or less considerable in proportion to the greater or less facility for emigration which each affords." [3]

The above was written after the French and Indian War but prior to the Revolution. The venerable philosopher returned to the same subject again and again, significantly in a discussion of who should emigrate to America, which can be dated after the completion of the Articles of Confederation, probably 1783-1785. Europeans need not look to the confederation government to foster manufactures with bounties, etc. Nor, in general, can such favors be expected from the separate states. Where tried the results have usually been disappointing, "labor being generally too dear there, and hands difficult to be kept together, everyone desiring to be a master, and the cheapness of lands inclining many to leave trades for agriculture." [4]

[2] Sparks, *Life and Writings of Franklin*, II, 313.

[3] *Ibid.*, II, 443-444. *Cf.* E. G. Wakefield, *England and America*, II, 104.

[4] Sparks, *op. cit.*, II, 472.

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In the same article Franklin says, that since

> the propriety of an hundred acres of fertile soil, full of wood, may be obtained near the frontiers in many places for eight to ten guinies [*sic*], hearty young laboring men, who understand the husbandry of corn and cattle, which is nearly the same in that country as in Europe, may easily establish themselves there. A little money saved of the good wages they receive there, while they work for others, enables them to buy the land and begin their plantation in which they are assisted by the good will of their neighbors, and some credit. Multitudes of poor people from England, Ireland, Scotland, and Germany have, by this means in a few years become wealthy farmers who, in their own countries, where all the lands are fully settled and the wages low, could never have emerged from the poor condition wherein they were born.

This shows how Franklin's economic theory grew directly out of his observation of the course of social development in Pennsylvania and elsewhere in America.

And, if Franklin's observations, for lack of space or other reasons, had to be ignored, and if Jefferson's expressed conviction that imported handicraftsmen would "after a while go to the plow and the hoe" seemed too insignificant to mention, how can a scholar who deals with fundamental documents of American economic and social history pass over Hamilton's Report on Manufactures? That remarkable exposition of the country's opportunity to diversify and increase its productions recognized the primacy of agriculture and pointed out means of supplementing farm production with a variety of manufactures for which the country was suited and for which necessary labor could be found without drawing it away from the farms. Hamilton had the idea that a vast unused labor source resided in the women and children, a conception which is less popular in our own day than it was in 1790. He believed also that the labor of adult males was only partly utilized in farming operations which in winter were so largely suspended. He evidently wanted to expand winter industrial activities and utilize farm labor therein.

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But the great secretary envisioned also another source of labor supply independent of the farms and the women and children. He writes:

> The desire of being an independent proprietor of land is founded on such strong principles in the human breast, that where the opportunity of becoming so is as great as it is in the United States, the proportion will be small of those whose situations would otherwise lead to it, who would be diverted from it to manufactures. And it is highly probable . . . that the accessions of foreigners who, originally drawn over by manufacturing views, would afterwards abandon them for agricultural, would be more than an equivalent for those of our citizens who might happen to be detached from them.

Implicit in this statement is the full round of concepts that enter into the safety-valve theory. Hamilton assumes that land will generally outbid in attractiveness other wealth-producing opportunities, and that therefore special inducements will have to be provided in order to toll a reasonable proportion of the laboring classes into industry. The tariff for protection would enable American manufacturers to add extraordinarily high wages to cheap food as inducements to foreign labor to come over to this country to seek employment. These, together with Americans who were still at loose ends, the surplus help from the farms, and a heavy draft upon woman and child labor could equip a large number of special industries. Cheap land would not only provide an outlet for those native laborers who from time to time should become able to take advantage of it, but it would act as a magnet to draw to our shores the foreign workmen whom he expected to attract into industry in the first instance but who would ultimately, as Jefferson put it, "go to the plow and the hoe."

Without stopping to inquire if Hamilton's expectations as to the influx of foreign laborers were realized, and on this point Pennsylvania and federal statistics of immigration furnish conclusive evidence, let us see if Goodrich and Davison's challenging demand for "concrete evidence" in support of the safety-value theory can be met.

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Admittedly, the case cannot be settled by an appeal to the newspapers, either those in the industrial cities or those on the frontier. Newspaper editors had certain ranges of news interest which obviously excluded the quiet removal or the silent infiltration of individual laborers, and—as these writers have discovered—large social movements involving the transfer of considerable numbers at a given time, which might have been news, were exceedingly rare. The normal case of migration westward from eastern cities, as also of the transfer to America from European centers of emigration, was doubtless the movement of single individuals or families, or of two or three related or friendly units. A canvass of numerous instances of arrivals in Wisconsin is the basis for this generalization. Directed emigrations, of course, constitute an exception to the rule and such there were, both from the East and from Europe. Almost every community, sixty years ago, had in it clusters of families who were connected by ties of blood or of propinquity. *Landsleute* from Germany, fellow citizens from Maine or Vermont, were apt to stick together, unless they knew too much evil of one another. But it was rare that they had entered their western community at the same time and in the same company. One would pioneer the way; his letters drew another; the two drew a third, a fourth, a fifth, a tenth, or, as in the case of one of the Illinois counties, a hundredth, all from the same neighborhood—in that case a single county of Maryland.

Wisconsin had a number of farm settlements begun by foreigners who came under planned and directed movements. There was the Dane county English colony, recruited from Liverpool mill hands, the Racine county English settlement started by mill hands from South Crossland, the Columbia and Marquette county English settlement made originally by unemployed potters from Staffordshire, the southwestern Wisconsin English settlements (several of them) made up almost entirely of miners from Cornwall and Cumberland. Irish settlements, a sprinkling of them, were seemingly accidental but, in fact, resulted from the employment of numbers of Irish on construction projects, especially the building of railways, and their seizing the opportunity to use earned wages in tak-

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ing up near-by land and becoming farmers. One of the best examples of planned colonization in Wisconsin is the community of poor people sent over by Canton Glarus of Switzerland in 1845 and called New Glarus. But there were also Dutch colonies, Belgian colonies, Luxembourger colonies, Bohemian, Polish and Italian colonies. Welsh, Norwegian, Danish and Swedish colonies also appear on Wisconsin's social map, and there was a colony of Icelanders!

From the East, Wisconsin drew the founders of Kenosha, the founders of Beloit and groups of settlers in other "Yankee" towns; from Missouri, Kentucky and southern Illinois came the bulk of the earliest lead miners to southwest Wisconsin, not, however, in groups but as individuals. The Germans who poured into the state at a great rate beginning as early as 1844 (though some had arrived earlier, the pioneer company coming as a religious community) generally, as indicated above, arrived either singly or by twos or threes. Nevertheless, they formed many colonies through the impulse of gregariousness, accretions taking place wherever beginnings had once been made.

The question for us to settle, if possible, is what proportion of the farming settlers in a western state like Wisconsin can fairly be classed as wage-earners. Of course, a preliminary inquiry is concerned with the definition of wage-earner. The writers whom we are following have nowhere clarified that point. Obviously desiring to limit the designation to factory workers, to exclude independent craftsmen and to ignore those who earn wages in rural employments, they concede on occasion that the designation covers craftsmen who may be earning wages.

It is true that the craftsman's status varies greatly under varying circumstances. On the one hand, he contributes the skilled labor, for hire, on which the success of practically every manufacturing enterprise depends. On the other hand, as a blacksmith he may become the head of an independent and profitable machine shop, as a tailor he may rise from his settle to be a merchant manufacturer, as a shoemaker develop—with the aid of apprentices and journeymen—a prosperous community trade; the exceptional carpenter hopes to become a master

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builder conducting a contract business, and so on. But all of these craftsmen were once merely wage-earning skilled workers, and though many of them may have gone "to the plow and the hoe" from their own personal shops instead of from a master's employ, that after all would represent a stage on the road from wage-earner to farmer. In fact, probably a majority of the craftsmen who worked on their own in western villages, towns and rural neighborhoods did so because they preferred to be independent, not because they could earn more than by working steadily for a master at a stated wage. There seems to be no good reason, except in extraordinary cases, to exclude such persons from the wage-earning category.

When Charles Fenno Hoffman tells us that the keen and vivid frontier farmer he met near the Illinois river on his western tour had been, a few years earlier, "a pale mechanic" in New York City; when the successful Scotch farmer encountered by James Stuart near Jacksonville, Illinois, about the same time is described as an Edinburgh craftsman, who had worked many years at his trade in New York City until a depression cut off the supply of work, may we not claim those men as wage-earners who turned to farming? That seems justifiable, especially since we are assured, by these foreign observers, agreeing with Franklin a century earlier, that "every industrious and sober character" can have "the means of purchasing a good estate with the accumulated savings of three years service"; and since we are also assured that "when competition depresses wages, operatives commence farming."

Farm labor in America has been of diverse origin. Without stressing the indentured element, which might be anything from a London waif to a highly trained craftsman, a merchant, or even a "gentleman" fallen upon evil times, we may regard farm labor generally as the most accessible means of getting a start in life just as land was the chosen opportunity to develop a property. It is significant — indeed, fateful — that America has not yet developed a class of farm laborers. During the period when the West was being settled men of every social description and previous occupation who wanted to earn a little money and who felt strong enough to tackle farm work

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hired out unhesitatingly to labor in the fields alongside of the owners of the farms.

The farm "hired hand" was both apprentice and budding capitalist. His purpose in probably nine out of ten cases was to become himself the owner of a farm, a simple process in the period of the open frontier. Two or three years' savings enabled the young hired man to marry and rent a farm to work on shares, and renting led either to a purchase near-by or to a good start farther west. This was the career of social and economic honors made successfully by so many thousands of our rural fellow citizens that "judicial notice" of the process should be taken by historians.

Let no one deceive himself into thinking that factory workers did not become farmers in the manner here indicated. The fact is, any person who was seriously bent on securing an independent property and home, an ambition which was all but universal so long as the opportunity lasted, was willing to undergo the sanative fatigues and mild hardships involved in that process. Could we have a true picture of the movement of eastern industrial workers, it would doubtless bear a close resemblance to the corresponding movement of foreign immigrants. That, as described in 1847 by a German then residing near Chicago, was as follows: A large proportion of the German immigrants were stopping in the seaboard cities. That was true especially of craftsmen and unattached men who had no plan for going west. Many of the indigent stopped near the eastern cities to work on farms. Others moved west till their funds gave out, then stopped to work. In a couple of years, he says, they would be equipped to go west and buy land, or to go into business where they were.

Mackay, in 1848, learned at Lowell, Massachusetts, that the young women who worked in those famous mills saved their money until it amounted to several hundred dollars, then married and went west with their husbands to make independent farm properties. His statement is, of course, too sweeping, for doubtless only an appreciable portion of the workers followed the course indicated. However that may be, the Lowell case must be reasonably typical, for New England farm boys, as well as girls, were in factories and they were

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also engaged in a score of other occupations that yielded money to begin farming in the West. The thronging Yankee emigrations to Michigan, Indiana, Illinois, Wisconsin, Iowa and Minnesota in the forties and fifties carried to the West multitudes who, brought up on farms, had gained experience elsewhere in the course of getting ready to farm on their own.[5]

How do we know that this is true? The answer to that question is the crux of my criticism of all the work so far published designed to discredit the safety-valve doctrine. It is only by studying the western farmers on the ground that one can be sure of obtaining the facts about their origins. Two sources exist for that study. One of these, the manuscript federal census, Goodrich and Davison excuse themselves for neglecting. The other, county histories, they profess to have consulted but with no evidence that they used the vital material they contain, namely, the biographical sketches of farmers.

The proof that craftsmen and laborers earned farms for themselves in the West can be amassed from those sources to any desired extent. The census should be regarded as the ultimate and most nearly universal basis for the study of population elements, changes in the social complex of communities, interior migration, and occupational changes. True, the censuses are not yet in condition to be used with facility, but one who is willing to perform heavy labor in exchange for definite, reliable information will always find them available. To prepare an index of the census names for a given township, or

[5] Lieutenant James Allen, in charge of harbor work at Chicago, wrote to his chief, General Charles Gratiot, on September 30, 1835, speaking of laborers and mechanics: "The influx of this class of emigrants has been great, too; but the apparent facilities offered them of securing valuable portions of public land, by settling on it . . . have encouraged mechanics and laborers, on arriving, or soon after, to abandon their appropriate trades and occupations for a bright hope of soon making their fortunes under the preëmption laws—Some of my best workmen; and who had been on the works since their commencement have, since the sales at this place, refused to continue at a rate of wages from $1.50 to $2.00 per day, and have gone to Milwaukee and elsewhere to make locations on public land in the confident expectation of securing it at the minimum price when it shall be brought into market. The constant changes of workmen, thus made, has been embarrassing and expensive to the work." Autograph letters, XVII, 148-149 (Ms. Chicago Historical Society). For this citation I am indebted to Dr. Bessie L. Pierce.

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even a county, is not a monumental task. Such local studies have been found useful because lists of names from one census compared with such of them as could be identified in a later or earlier census determine the proportion of the laborers of an earlier date who figure as farm owners at a later, and vice versa. The test was applied in a sufficient number of towns in different parts of Wisconsin to make the results representative. They show that, among the farmers of 1880, from 25 to 60 per cent had been laborers or craftsmen thirty years earlier.

Moreover, referring to the farm "hired man" element, always in our period the prophecy of new farm owners, it can be said that wherever a farming township has been canvassed censuswise, and these are numerous, the presence of future farmers to a considerable number was revealed. Also, the census by proving, in the case of Irish immigrants through the ages of the children, how slow was the progress of families from the east coast to Wisconsin inferentially proves how long a time had been required for a laboring man to earn the wherewithal to begin farming. The Irish families of one county in Wisconsin in 1850, to the number of 286, had 184 native-born children of whom only 91 were born in Wisconsin. The average age of the 93 who were born elsewhere in America was 9.3 years.

The second source, county history biographical sketches, is excellent in some cases, useless in others. The early (1880) series of these books for Wisconsin is extremely unsatisfactory because the sketches were obviously prepared with the genealogist in mind rather than the social historian seeking background facts about the lives of persons sketched. A much better type of book is that prepared for Minnesota counties, also about 1880, under the editorship of Edward D. Neill. From them it was easy to determine which of the farmers sketched had actually earned their farm beginnings. Dakota county, for example, in 1880 had 1977 farms. Neill's history (1881) sketches the careers of 355 farmers, or 17.9 per cent of all in the county. Of that number 179, or just over 50 per cent, earned their farm beginnings, 55 as craftsmen, 56 as farm hands and renters, 68 as common workers at varied labor. Many of the last named class were Irish.

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Similar, though not quite such striking, results issued from a canvass of local records for portions of a county in Iowa, another in Nebraska, a third in Kansas, a fourth in Illinois. Summing them all up, it becomes probable that nearly or quite one third of the middle western farmers, around 1880, had earned their farms as common or skilled laborers. At later periods, as would be expected, the proportion was lower, many having inherited farms from pioneer parents. Another variation arose from the character of the population, foreign-born settlers being earners in more cases, native-born in fewer. Seemingly, however, the laboring element was nowhere absent from farming communities.

Goodrich and Davison quote the testimony of a single Minnesota witness for the purpose of casting doubt on the ability of craftsmen to become successful farmers. To one knowing western rural society such an argument verges on the absurd. Fortunately, there is no dearth of material to prove the contrary. "Most of the settlers hereabout", says De Haas writing in 1847 concerning the townships of eastern Fond du Lac county, Wisconsin, "among them those who have developed the finest farms, were formerly handicraftsmen, this one a carpenter, that one a shoemaker, a miller, mason, etc. Several were formerly tailors."

Accompanying that statement was a sage remark of this ex-schoolmaster on the conditions of success in pioneer farming:

> Let no one come hither who does not expect to labor industriously and who does not take pleasure in cultivating the soil and in caring for livestock. But let no one remain at home because he understands too little of land tillage and care of stock. The whole business is here so simple, and experienced neighbors, with such obliging readiness, will instruct him who is anxious to learn, that a good farmer will quickly be made out of the most inexperienced immigrant who is genuinely teachable.[6]

The "husbandry of corn and cattle" until recently was a simple, easily acquired business. The historian who knows only the highly specialized and scientific agriculture of the modern time cannot understand how it would have been pos-

[6] Carl de Haas, *Wie Sieht es in Wiskonsin Aus* (Elberfeld u. Iserlohn, 1848), p. 91.

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sible for rurally untrained mechanics to make a success of farming even if they could have saved the necessary money to begin operations at the frontier. As this writer shows, the only requisites were a willingness and ability to work hard, and a desire to learn. No long apprenticeship was needed to manage an ox-team, to guide the plow, scatter seed by hand, and harvest the ripened grain with the cradle scythe, but all those operations called for good health and sound muscles.

And so far from the handicraftsman being unequal to the problems of the farm, his training in the doing of a few things with finished thoroughness and his ideals of accomplishment tended to guarantee for him, given the necessary physical equipment, unusual success in agriculture. The best farmer of my native community in southwest Wisconsin was a Bavarian villager who had learned and practiced the craft of dyer before beginning to farm on a piece of raw land; but he had the good sense to "hire out" to a Yankee farmer several years before beginning on his own.

Critics of the safety-valve theory have hitherto seemed loath to recognize such evidence as an answer to their contention that the frontier did not significantly affect the labor problem. In fact, some of them make such heavy demands upon the "safety valve" that there would be no possibility of satisfying them. They ask: "Did enough persons leave city employment or were enough diverted from it to prevent explosive unrest?" They find plenty of unrest in industrial labor circles and therefore object that the safety valve, if it existed at all, often failed to work. Well, there was unrest at times even among frontier farmers. Yet, is it not clear that, if the doctrine of relativity applies, as it must, to "explosions" as well as to other human affairs, then the frontier safety valve was not only a reality but a notable success? It helped to prevent the occurrence in America of actual revolutions like those of the 1830's and the 1840's in continental Europe, in which laborers and mechanics were deeply involved;[7] and also prevented such oppression of the laboring

[7] Carl Schurz, in attempting to escape from Rastatt (1849) committed himself and companions absolutely to the confidence of a passing laborer, because laborers generally in the Rhine country favored the revolution. Schurz, *Reminiscences*, I, 225.

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classes as they suffered in England. Chevalier wrote: "In Europe a coalition of workmen can only signify one of these two things: raise our wages or we shall die of hunger with our wives and children, which is an absurdity; or, raise our wages or we shall take up arms, which is civil war. . . . But in America, on the contrary, such a coalition means, raise our wages or we go to the West."[8] Had he omitted the idea of "coalition", so far as American labor was concerned, the remark would have been sound.

Did the representation of former laborers and craftsmen among the owning farmers of the western states, as we have found them through local studies, affect the situation of industrial and other labor? To ask this question is to be compelled to answer it in the spirit of Benjamin Franklin writing 186 years ago: Until the land was fully settled, labor could not be cheap. And if, as Goodrich and Davison concede, the frontier "tended to hold up the level of industrial wages", their elaborate argumentation falls to the ground, for wages are the proof of the safety valve's reality.

The condition of American industrial labor has been by no means ideal. Yet, despite the disruptive effects of the successive immigrations and the near disaster incident to recurring depressions, a gradual if irregular advance in wages and in working conditions has been achieved latterly, of course, principally through effective organization. Were it not for the safety valve, which operated from the beginning of our national history, it is permissible to ask if American employers, served during many years by such a strong and steady influx of cheap labor from abroad, would have been more considerate of their employees than were the employing classes in France, Germany and England. Here is another question that statistics cannot answer. It is certain, however, that the effect of what has been called the safety valve has been largely psychological, operating alike upon laborers, employers and the general public.

[8] U. Chevalier, *Society, Manners and Politics in the United States* (Boston, 1839), p. 144.

JOSEPH SCHAFER

THE STATE HISTORICAL SOCIETY OF WISCONSIN

MADISON

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REVIEWS

Soviet Communism: A New Civilisation? By SIDNEY and BEATRICE WEBB. New York, Charles Scribner's Sons, 1936. 2 Vols.—xix, 1174 pp. $7.50.

As touching most of this monumental work of 1,174 pages, the reviewer can probably not do better than commend the judgment of Mr. Herbert Morrison. Read Walter Citrine's book, written by a man with an eye for practical detail; add it to one's reading of the Webbs' great study of the blue books (written after a brief Russian tour); divide by two, and a sane verdict will be reached. The gallant and subtle defense of the Soviet system of indirect election and of the Russian coöperatives has been rendered unhappily obsolete by recent events. Here your reviewer has space to comment on one point only: What do we mean by Democracy?

In 1932, the Webbs wrote a book on *Methods of Social Study.* It bore the hall mark of their integrity. They stressed the urgency of "an objective study of facts"; explained the need for scientific exploration of social institutions; said, of the "dialectic" of Marxism, "if there is any such influence at work it is naturally a fit subject for objective study", but declared their doubt of its existence; damned those who set out to prove something rather than to arrive at the truth; and expressed fears for those who persecute each other about "the true faith." "We are apt", they warn, "to begin by referring to the arbitrament of 'the facts' some question in which we happen to be particularly interested, a question which has all the appearance of strict impartiality, but which is almost certainly what the lawyers call 'a leading question.'"

Nevertheless, the title of this present book is *Soviet Communism: A New Civilisation?* A phrase on the last page of the second volume answers the question: it refers, without query, to "this new civilisation." Why, we are entitled to ask, have these two elderly sociologists taken to religion? Why have the Webbs become propagandists of a vision of Jerusalem on the Volga? Why have they, to use Benda's words, become guilty of the partisan treason of the clerks?

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Let us turn to a more precise issue than "civilisation". Is Soviet Communism a dictatorship? The Marxists (rather to the chagrin of the Webbs: "How the Bolsheviks do love the word dictatorship!") have always said that it is. The Webbs say that it is not. Dictatorship is a Roman term, and it is clearly not a Roman dictatorship. Now Aristotle had a more exact term for a single ruler, put into power by a movement of the populace, ruling (well or ill—it did not matter) above accountability to law. That precise term is tyranny. Is this a tyranny? The Webbs' answer is (as well as that Stalin holds no official post as ruler—which is irrelevant) that Stalin governs by committee methods, although, having succeeded to the position of Lenin whose works are Holy Writ, he has become "irremovable against his will." The Soviet government is not then an autocracy or despotism, whether constitutional or super-constitutional.

Why, then, do the Marxists use this phrase "dictatorship of the proletariat"? The Webbs' reply appears to be that it is (technically, i.e., scientifically, speaking) just a mistake: "The Russian Revolution may fairly be described as democratic rather than dictatorial." This form of rule is exercised *by* the proletariat *over* the community. There is, however, here an ambiguity. Technically and scientifically speaking, this is precisely a democracy, but in the Aristotelian, not the popular sense, i. e., a majority ruling in its own interest over the whole, in disregard of pre-established law. This form, Aristotle states, is a perversion. Is, then, Soviet rule a perversion? No, in effect reply the Webbs, since, despite the name "Soviet", during the transitional period the social revolution has to be carried through by a "small, highly disciplined", professional party, enjoying the support of the masses and having a certain intuition of the good of the future community or whole. The Webbs might compare this party with the "Holy Mountain" of the Jacobins. Actually, and very significantly, they do compare it with the Jesuits. Here, then, are the Wellsian Samurai; the Huxleyan World Controllers.

"Is the U.S.S.R. an autocracy?" Rightly (technically) the Webbs answer: "No." Soviet government utilizes, to arrive at its decisions, innumerable voluntary societies, such as the "Down With Illiteracy Society" and the "Society for Aviation and Chemical Industries" (where they study aerial bombing and chemical warfare). It avails itself of their discussions. The Webbs entirely omit to stress that, if the Russian system may "fairly be described as democratic", no opposition parties to the Communists are tolerated

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under penalties for treason. In Britain today I can (and, since Mr. Baldwin showed us how to get rid of our kings, indeed I hereby do) say that confederate republicanism demands practical consideration as a system of British government. But if, in Russia, twenty years after the Revolution began, I were to say that three acres and a cow for every man, and the right to exercise one's own religion, may be a good thing, I should be sent to labor on a communal Siberian canal. (For equivalent offenses I should have an equivalent punishment in Germany, Italy and, soon, Spain.) This is not, of course, to deny that when a classless society has been established, a wonderful liberty will be initiated which (let us admit) is not even promised by the Fascists. Precisely, the Soviet government is a working oligarchy—genus, "popular supported (with propaganda monopoly)"; species, "political theocracy"—or, as the Webbs themselves say, "creedocracy" or "ideocracy". To the Webbs' credit be it noted that they pick precisely the exact phrase. If, however, four hundred years of liberty since the Reformation mean anything, this system is not a democracy, although it may, like the Papal See with its "faithful", be a popularly supported Platonic government.

Have the Webbs an excuse? I suggest that they have. The tragedy of this generation is that we are confronted with the warfare between the True and the Good, between Science and Religion, between those who care for the disinterested pursuit of truth and those who believe that disinterested speculation—we need not here discuss the doctrine of the union of theory and action—neither can nor should exist. For the one, their duty is to state precisely what is; for the other, their duty is to aid the forces of proletarian righteousness. No wonder Lenin hated all empiricist philosophers, as men without systematic faith. He preferred the one experiment that was to override all others, made effective by faith. The Webbs have enrolled among the faithful.

GEORGE CATLIN

LONDON

The Fascist: His State and His Mind. By E. B. ASHTON. New York, William Morrow & Co., 1937.—xv, 320 pp. $2.50.

This book is really an inquiry into the Fascist state of mind. Its thesis is that Fascism is "an expression of an inherent popular mentality" (p. 268) and that this popular state of mind is "the only ingredient that is really indispensable" (p. 278). Fascism is

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not "a 'ghostly disease spreading over Europe' but the quite healthy, logical and natural state of affairs for capitalist communities with a particular popular mentality" (p. 253). "German Fascism after its seizure of the state had to provide a form for an existing spirit. Italian Fascism had to cast a latent and slumbering spirit into a mold which itself was only just being formed under the impact of practical necessities—and according to a largely instinctive notion of what the finished spirit eventually would require" (p. 235).

This thesis indicates at once the virtues as well as the limitations of the work. The author makes a useful point by insisting that, regardless of its causes, the existence of a Fascist psychology must be recognized and regarded as basic for any understanding of Fascist politics. But admitting this, a scientific student would naturally wish to proceed at once to the causes, not merely to the consequences, of this state of mind; and he would ask why the author is so insistent on regarding the causes as irrelevant to his inquiry. For example, he defines Fascism as "capitalistic collectivism", and then says: "it cannot be emphasized too strongly that there is no point whatever in looking for other motives, because the question of *why* Fascist leadership really sticks to the capitalist system is wholly irrelevant" (p. 97). This reflects a serious limitation on the author's aims. The economic and other factors that have produced the Fascist ideology do not interest him because his purpose is to suggest the "logical" or psychological implications of the ideology. Psychologically Fascism is insatiable, "and every increase in its strength, in turn, calls for new fields to conquer" (p. 209). The "particular popular mentality" thus appears unrelated to particular popular needs and becomes a devouring monster that can be met only by force. The democratic nations, therefore, if they still cherish democracy, must surrender enough of their constitutional individualism to fight for the common good against a common enemy. I mention this moral to the tale at the outset of the review, not because it is an essential or important part of the analysis, but because it seems to me to indicate one of the consequences of taking an ideology as an abstract starting point.

Mr. Ashton has made by far the most comprehensive and critical attempt to expound the ideology of Fascism. If even he fails to give a clear and consistent version of the doctrine, I suspect the task is impossible. Speaking of recent developments on the Nazi Labor Front, he says that they are doubtless "too much the outcome of political wrangling to be of great theoretical significance" (p. 93).

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I wonder that he does not say this about the movement as a whole. But why should the outcome of wrangling not have theoretical significance? What he intends to say, I suppose, and what seems to me to be true of the movement as a whole, is that both in theory and in practice Fascism is so fluid or opportunistic that it is impossible as yet to give it ideological precision. Even if one admits that there is an identifiable "popular state of mind" basic to Fascism, it does not follow that this implies an ideology.

The difficulties which Mr. Ashton meets in fitting his formula, "capitalistic collectivism", to the facts are instructive. Strictly in terms of his own definitions of capitalism and collectivism, capitalistic collectivism would be a contradiction, for capitalism implies private property, profit motive (p. 32) and individual initiative, whereas collectivism implies the sacrifice of each to the advantage of the whole. As the argument progresses it turns out that nationalistic collectivism is really more essential than capitalism. On page 98 we read that "capitalism is a *basis* . . . but not an essential feature of the Fascist system, and therefore need not be maintained consistently, or at all, in actual practice." And on page 110 we discover that "the class that more than all others will lose *rights* that it considers fundamental, will be independent business." "And the elimination concerns Big Business as well as small business" (p. 112). "True, Big Business will be high in the councils of every Fascist government. It can be far too useful to be left out. But as to running the show—they will not have half the influence they had under any good old post-war pseudo-'Socialist' government" (p. 115). Thus it turns out that capitalism is a "basis" only in the sense of being the starting point, the *terminus a quo*. Essentially Fascism is national collectivism, which the author defines as the subordination of the people as such to the state as such, or of the welfare of each individual to the "greatness" of the whole community. This distinction the author then identifies with the distinction between individualism and collectivism, and individualism (regard for the civil rights of citizens) he identifies with democracy. He attempts to explain how Russia may reconcile democracy and collectivism (pp. 45, 251), but he is naturally quite vague on this subject.

In this general argument Mr. Ashton is enmeshed in all the contradictions and evasions that have troubled Rousseau and the British idealists in their attempts to explain the exact relation between the good of each and the good of all, and it would be useless to

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rehearse them here. Such statements as: "collectivism is the subjection of the interests of the people as such to the 'higher interest' of a dogmatically superior communal body" (p. 277); or "The issue of individualism versus collectivism is: whether a communal organization shall function through the people making the state do what *they* want, or through the state making the people do what *it* wants" (p. 286) reveal that the author is struggling with old paradoxes. The object against which his attack is directed, in so far as the book is an attack at all, is the organic theory of the state. "The state", by which he appears to mean either the government or some abstract entity, is a bogey to him as it was to Karl Marx and Herbert Spencer. I believe that the real issue to which Mr. Ashton points is not so much collectivism versus democracy as it is government versus self-government, which usually turns out in practice to mean popular despotism versus party government. One statement is particularly confusing, to say the least: "Actually Fascism—this will sound like heresy but is really the key to the whole problem — does not restrict the *freedom* of the individual at all. What it not only restricts but exterminates is his *individuality*" (p. 119). He is apparently playing with the idealistic theories of "freedom" and "individuality"; but in any usual or actual sense of the terms the opposite is true: Fascism destroys freedom, not (necessarily) individuality.

In passing I might call attention to what I am quite sure are misstatements of fact. (1) Communism was certainly more than a "bogey" (p. 15) in Italy and Germany at the time of the rise of Fascism; the author himself speaks of Fascism disposing of Communist "competition" (p. 234) and in other passages makes it clear that the real issue then was between Fascism and Communism, not between Fascism and democracy (even though that be the issue now). (2) It is not true that the Ethiopian "horror" was the first event to arouse serious criticism against Fascism in Italy (pp. 39, 244). On the contrary, there had always been more criticism than during the Ethiopian campaign. How could that campaign be a "horror" to the Fascist "mentality" anyway? It is true, however, that there was more enthusiasm in Italy against sanctions than for the war. (3) It is not true that "the main idea" in Italian Fascist syndicalism is "to destroy from the start any hope its employees and employers might have of improving their individual economic positions by joining efforts with the employees and employers, respectively, of any other trade or industry" (p. 89). This

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is neither the idea nor the outcome of the system. (4) Nor is the Corporate State "strictly a fair-weather proposition" (p. 96); it is the product and machinery of severe class conflicts and depression. (5) It is at least debatable whether agriculture has come more drastically under Fascist control than industry (p. 105), especially now (as the author himself points out) that the heavy (key) industries have been practically commandeered by the government. (6) What is the evidence that "Fascism itself has set the emotional stage" (p. 102) for Communism? Certainly so far it has been the other way 'round. (7) It is not accurate to say that the Fascists "introduced" (p. 201) the conception of national honor into diplomatic practice. (8) What grounds has Mr. Ashton for believing that American Fascism, if it comes, will throw the country into the hands of "toughs" and "gangsters" (p. 172) or that there is a "typically American predilection for public cruelty and secret societies" (p. 279)?

The last two chapters are not only a careful examination of the theme "It can't happen here", in which the author exposes much pseudo-Fascism, but are in general an unusually penetrating analysis of the present political scene the world over. The footnotes are in many ways the most critical and informative part of the book.

HERBERT W. SCHNEIDER

COLUMBIA UNIVERSITY

War Memoirs of David Lloyd George. Volumes V and VI. Boston, Little, Brown and Company, 1936 and 1937.—464; xii, 406 pp. $3.00 each.

These two volumes conclude Lloyd George's story of the World War. Perhaps one should rather say his story of two great wars—the war against Germany and the war between the civilian and military authorities of the Entente Allies! It is to this latter struggle that the author, in all six of his books, devotes at least half of his pages and nine tenths of his emotion. "As usual, everything worked to perfection in our army except the minds of the Commanders" (V, p. 339). "The judgment of the High Commands on military prospects was never reliable. Our military leaders swung from the extreme of optimism to the opposite extreme of pessimism" (VI, p. 120). He cites a memorandum by Marshal Haig in mid-October 1918, only a few days before the utter collapse of Germany and after Germany's allies had practically been put out of the war, to the effect that "the German army is capable of retiring to its own

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frontiers and holding that line", that the American army "must take at least a year before it becomes a serious fighting force", and that neither the French nor the American armies were capable of a "serious offensive" before 1919 (VI, pp. 268-270). A large part of the fifth volume is taken up by bitter controversy over the British disasters in the spring of 1918. The army chiefs have placed the blame on Lloyd George and the British government for not sending sufficient soldiers to France; Lloyd George retorts by quoting official statistics to show that the British forces were at their maximum at that very time. In his opinion the setback resulted from the undue concentration of the British military authorities on the narrow Flanders front to the comparative neglect of their line further south and to the exhaustion of the British army by repeated and futile offensives against the German line in the three previous years.

American as well as British war managers come in for their share of rebuke. General Pershing is blamed for delaying victory by insisting on the organization of a separate American army, and President Wilson is scolded for not overruling Pershing (V, p. 439). The preparation of equipment for the American army was "a lamentable story of indecision and bustling incompetency" (V, p. 448), particularly the delay in turning out airplanes and tanks. Yet Lloyd George concedes the "reckless dash and courage" of the American soldier and the decisive part which the American forces played in the last campaign (VI, p. 100).

Lloyd George is at his best when not too much immersed in the details of controversy. His general chapter of "Some Reflections on the War" is really a very profound and searching analysis of the proper relations of civil and military authorities in wartime. He poses three fundamental questions: Could the war have been averted? Could it have been brought to an earlier termination by negotiation? Could it have been terminated by an earlier victory? The first he answers with an emphatic "Yes". No one really wanted war in 1914 (except Berchtold's little local war against Serbia), and calmer diplomacy, especially on the part of Germany, could easily have found a peaceful solution of the Balkan crisis. The second question is answered in the negative. Much evidence is piled together to show that until late in the autumn of 1918 the real rulers of Germany—the military General Staff—would not have tolerated a reasonable peace. The third question introduces a long discussion of the military blunders on both sides which, balancing each other, prolonged the war. Germany should not have invaded

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Belgium, attempted to take Verdun, or goaded America into the war; the Entente powers should have paid more attention to the eastern front, given more aid to Italy, and established much earlier a unity of command. In another thoughtful chapter on "The Functions of Governments and Soldiers", he makes the excellent answer to critics who have accused him of airing amateur views on the highly professional business of war, that in this particular struggle everyone was an amateur, as there had been no war like it in the past and old soldiers with Boer War experience under totally different conditions were actually "hampered by the wrong training" (VI, pp. 340-341).

Apart from the light thrown on the incessant friction between civil and military authorities in a great modern war, the memoirs of Lloyd George are not very revealing. Little is contributed to our knowledge of wartime diplomacy, though there is an interesting discussion of the futile attempts to make a separate peace with Austria, a thoughtful memorandum by Mr. Balfour opposing the taking of any hostile steps against the Bolsheviki—all the more creditable because of Balfour's personal conservatism (V, pp. 111-114) — and a very noteworthy "psychograph" of the strange personality of Clemenceau. Though Lloyd George considered Clemenceau cynical, morose, embittered, he greatly admired his sagacity and indomitable courage, and he protests that so far from always being at sword's points with the French statesman he had never met a man with whom he more enjoyed exchanging views and transacting business (V, pp. 203-205). Both Foch and Clemenceau are to be found on the very brief and select list of those wartime leaders for whom Lloyd George had some respect (VI, p. ix). He is preoccupied in the main with the blunders of the "brass hats" and "stuffed shirts", and the war has made him more than ever a pacifist not only because his kindly Welsh heart was struck by its cruelty but equally because his alert Welsh mind was struck by its stupendous follies. Righteousness triumphed, he still maintains, but it did so more by chance and luck and the blunders of the enemy than because a just cause has any magic of its own in war. "If Germany had been led by Bismarck and Moltke instead of by von Bethmann-Hollweg and Falkenhayn, the event of the great struggle between a military autocracy and democracy would in all human probability have been different. The blunders of Germany saved us from the consequences of our own" (VI, pp. xi-xii).

PRESTON SLOSSON

UNIVERSITY OF MICHIGAN

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The Career of Théophile Delcassé. By CHARLES W. PORTER. Philadelphia, University of Pennsylvania Press; London, Humphrey Milford, Oxford University Press, 1936.—356 pp. $3.50.

While his colleagues and intimate associates, Poincaré and Paléologue, have published abundantly on their political activities, Delcassé, in accordance with his secretive nature, preserved an almost complete silence. Aside from newspaper articles in his youth and a tiny brochure in 1882 a decade before he entered the cabinet, he published nothing by which to judge him. Mr. Porter, however, has made excellent use of these early writings to explain Delcassé's formative ideas, which changed but little with the years. He was an ardent disciple of Gambetta and therefore a patriotic nationalist who never forgot Alsace-Lorraine or his hatred of Germany.

As Colonial Secretary in 1893 Delcassé secured adequate new quarters in the Louvre for the Colonial Office, and gave it a new importance and independence separate from the Ministry of Marine. He began at once an active and aggressive colonial policy which was not dampened even by Fashoda. It was, however, as Minister for Foreign Affairs from 1898 to 1905 that he did his greatest work in strengthening and extending the alliance with Russia and establishing the entente with England. All this is told admirably by Mr. Porter, with full use of the available diplomatic material and the more important French newspapers. In the dramatic account of Delcassé's fall in June 1905, he gives considerably more precise detail than the standard accounts by E. N. Anderson and O. J. Hale, because he was able to use, as they could not, the latest volumes of the *French Diplomatic Documents*, Combarieu's *Diary*, and the recent articles of Paléologue and Barrère. He shows neatly how Delcassé's fall was in considerable part owing to the opposition of French politicians resulting from his own unflinching attitude toward Germany and his secretiveness toward his cabinet colleagues and Parliament, as well as to Rouvier's secret negotiations with the German Ambassador in Paris. If we are to believe Paléologue, Delcassé was well aware of these secret negotiations carried on behind his back by the President of the Cabinet, because some of the Ambassador's dispatches were brought from the telegraph office to the Quai D'Orsay and deciphered by Delcassé's code experts. Further emphasis of the fact that Delcassé was thrown overboard quite as much by opponents in Paris as by pressure from Berlin is to be found in a recent article by H. Hallmann (*Historische Zeitschrift*, 154: 528-553, August 1936).

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Though Delcassé was thrown overboard, his policy, as the author well shows, quickly triumphed with the defeat of Germany at Algeciras and the rising fervor of French nationalism. When Delcassé again entered the cabinet in 1911 as Minister of Marine he quickly tightened the naval ties with Russia and England, and greatly strengthened the efficiency of the French navy for the conflict which he believed to be inevitable. But as Foreign Minister again during the World War he was less decisive and dominating in his influence, partly because Poincaré held the rudder, and partly because Delcassé's own exhausted health and distress at the fate of his only son, who was captured by the Germans, somewhat robbed him of his former enormous capacity for tireless work. At his death in 1923 he was almost a forgotten man.

Mr. Porter's book shows sound scholarship, is decidedly interesting, and adds a good deal of new information about one of the half-dozen men who formed French policy in the pre-war years. Though at times his admiration for Delcassé may lead him to be too favorable to "the greatest Minister of Marine and the greatest Foreign Minister of the Third Republic", he does not conceal his share of responsibility for the World War. "As Germany had her Bismarck, France had her Delcassé. Bismarck seized Alsace-Lorraine. Delcassé restored the lost provinces to France."

SIDNEY B. FAY

HARVARD UNIVERSITY

Friedrich Engels. By GUSTAV MAYER. Translated by Gilbert and Helen Highet. New York, Alfred A. Knopf, 1936.—xii, 322, xii pp. $3.50.

Historians of Marxism are wont to attribute the fundamental doctrines of modern communism to Marx, and to minimize the contributions of Engels to the formulation of these doctrines. This is partly the result of Engels' own modesty. The historians have noted that time and again he declined the homage paid him by socialists, saying that it was due in the first place to Marx who "discovered the special law of motion governing the present day capitalist method of production". But Gustav Mayer, one of the most critical students of Marxism, courageously lifted the veil of modesty and found that Engels had played a crucial rôle in the building of communist theory. His *Friedrich Engels* is the only biography in English of the co-worker of Marx.

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Engels, like Marx, was of bourgeois origin. Both were Rhinelanders, both fell under the influence of Hegel, Fuerbach and Hess, both slowly evolved from Young Hegelianism to historical materialism. Marx arrived at communism through a criticism of the state, Engels through the study of the industrial and commercial life of England. When they met a second time in 1844, they saw that their spiritual growth had been along the same lines. Engels was buoyant, elastic, his style fluent and graceful; his outlook, broadened by a business training, fresh and unacademic. Hence his gift as a popularizer of socialism. Marx's style bears the imprint of painful effort, of great travail. It is pungent, meaty, profound, searching, brimming over with the revolutionary thought with which his name has been associated. Engels was fertile, good at marking out foundations, but Marx was truly creative. Engels recognized Marx's genius and was content to play second fiddle.

What was Engels' share in the formulation of that body of doctrine known as Marxism? In 1843, Engels pointed out to Marx the importance of the political economists in his *Sketch for a Critique of Political Economy*, and, in 1845, the realities of the life of the industrial worker in his *Condition of the Working Class in England*. Engels anticipated Marx in understanding the class struggle, in defending the proletariat against the capitalist class and in attempting a synthesis of German philosophy and English political economy. If Marx supplied the power of destruction and construction, Engels contributed the sound views on everyday business and on the life of the proletariat. It was his opinion on the revolutionary significance of commercial crises that Marx sought. It was with him that Marx consulted on the theory of rent, on international politics, on proletarian policy and on military affairs of which Engels had expert knowledge. The principal ideas of the *Communist Manifesto*, the title of which was first proposed by Engels, are all found in his *Fundamentals of Communism* and in *German Ideology* of which Engels was co-author with Marx. Moreover, *Capital* is not without Engels' influence. Upon his shoulders fell the task of editing the posthumous second and third volumes of Marx's classic. Long before the foundation of the First International, Engels was among the first to demand the international organization of the proletariat.

After Marx's death Engels was looked upon as the Nestor of the European socialist movement and sought as adviser by the rising socialist parties. Contrary to the claims of reformist socialists, he, like Marx, contended to the end of his life that the proletariat could

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not conquer political power without a revolution. He constantly spurred on the English labor leaders to follow in the traditions of the Chartists with whom he had been associated and to organize a labor party; but such a party, he prophesied correctly, would spring to life only after England had lost its world monopoly of trade. For the American labor movement, Engels held out the highest hopes. "If the Americans once begin, with all their energy and virulence", he wrote, "we in Europe shall look like children" (p. 277).

Mayer's biography is scholarly without being pedantic, enthusiastic without being slavish. He justifiably censures Marx and Engels for dragging in the private life of Bakunin during the struggle against their anarchist opponent at the Hague Congress. And while Mayer doesn't exhibit outright sympathy for Lassalle, as Mehring does in his *Karl Marx*, the reader is left with the impression that Marx and Engels were often too hasty and too personal in judging their German socialist rival and that they did not fully appreciate his sound political qualities.

The volume under review is a condensation of Mayer's exhaustive German work. One misses the rich source material, the interesting details of Engels' colorful life and of its crowded political and philosophical background found in the German edition. The general reader will find the present volume informative and even stimulating, but the student will always have to resort to the two tomes in German.

S. BERNSTEIN

NEW YORK CITY

The League of Nations and the Rule of Law, 1918-1935. By ALFRED ZIMMERN. London, Macmillan and Co., Limited; New York, The Macmillan Co., 1936.—xi, 527 pp. $4.00.

Professor Zimmern's book is concerned with a problem of political science. How can affairs of common interest be managed, disputes settled and the peace kept in an international society composed of independent states with no common superior? Professor Zimmern points out clearly the difference between the international system and the political system of a national state, based on "a harmonious marriage between law and force" (p. 95) under control of a government. His book throughout shows the contrast of this social organization with the international system in which the marriage ceremony between law and force has never been carried out, although the banns have been published at times without due official signature.

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As a preparation to his discussion of the League of Nations, the most ambitious effort to organize the world society, Sir Alfred deals with the method of carrying on relations between governments, giving principal attention to political relations, although he examines briefly various non-political organizations, especially the Universal Postal Union (ch. iv). He notes pertinently the value of the specialized union like the Postal Union dealing with a particular problem, and thus keeping at least so much of the business relations of states out of power politics. The reviewer believes that he has underestimated the importance of the European Commission of the Danube (p. 56), which as a sort of organ of the great powers served a purpose in isolating the problem of Danube navigation from politics and making possible the maintenance of a highway of traffic important in the last half of the nineteenth century. The European Commission is not typical, the reviewer believes, as an example of the methods of dealing with a localized question by a permanent commission. More normal cases are the Rhine and Elbe commissions and, although of a different kind, the International Joint Commission between the United States and Canada. That commission is less an arbitration commission than a sort of international administrative tribunal set up to regulate the interests of the two countries in a special subject, boundary waters, within a specified area. As a general commission of arbitration to which the governments may refer any questions arising between them, it has never been important. In the judgment of the reviewer, it would be an injury to the service of the commission as a specialized administrative commission to use it as a general arbitration commission (p. 56).

Another type of international non-political organization, notably in the communications field, has been successful so far as it has been kept out of general international politics and has dealt with subjects in which the necessity for an international service has been a greater interest of the groups concerned in the service than a local national interest. The author shows how local national interests in Great Britain persuaded the British government to cut loose from the Sugar Convention (p. 58), and in the same vein he might have called attention to the failure of the European Railway Convention to provide for fixing freight rates, though it went in other ways so far in the regulation of international traffic.

The main interest of the author, however, is in the political relations between governments and the efforts to establish some form of international coöperation. The interesting chapters on the Concert

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of Europe from the Holy Alliance to the informal procedure which broke up in the disaster of 1914 emphasize the importance of study of the past to understand the present and forecast the future. Lord Salisbury's striking statement of the necessity of some kind of federal action in Europe to prevent war (p. 79) could be echoed today. The author notes the defects and failures as well as the successes of the Concert. One of the reasons for its troubles, "the fundamental differences of political outlook between its various members" (p. 85), may be prophetic, even in this second quarter of the twentieth century. The author's examination of the problem caused by the responsibility of governments to the voters under democratic institutions, its advantages and disadvantages from the point of view of international coöperation, opens a subject on which, it is to be hoped, he will give us a more detailed study.

The reviewer, with the training of a lawyer, does not find himself in agreement with the author's theory of international law. He doubts if any international lawyer will accept Sir Alfred's statement that the rules of international law are recorded "in a succession of treatises extending over some three or more centuries" (p. 97). The rules and obligations of international law are usually considered by international lawyers as embodied in the practices of governments and not in the treatises of publicists. These rules arise from necessities of the society of states. They are "social habit formulated into regulations" (p. 95), much as was the common law, but with a different method of expression and enforcement. Perhaps the clearest example is the law of that no man's land, the sea. The author remarks that "the oceanic monarchy [the British control of the seas] functioned without international machinery" (p. 89), but it functioned under a considerable and recognized body of international law not laid down alone by the British government.

The author deals interestingly with the development of the peace machinery in the Hague conventions and the Bryan treaties. These efforts, as he points out, were directed to the settlement of disputes and did not take into consideration the necessity for an organization of relations between governments to prevent disputes from arising and to create a real international social order. This was the attempt of the draftsmen of the Covenant. They profited by the pre-war experience and also by the experience of the Allies during the War. Under the compulsion of necessity the Allied governments developed a system of international relationships, first conferences as the need arose, then permanent conferences and finally permanent conferences

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with a secretariat, not only between the heads of governments but between the ministries which had to carry out the particular functions involved, notably the supply ministries, which finally headed up in the International Transport Council (p. 146).

The author dissects that other source which contributed to the draft of the Covenant, the various proposals for an international organization, the necessity for which was impressed on the minds of statesmen and peoples by the bitter experiences of the World War.

He examines the League and its operation as a political scientist. He is entirely practical in his view of the League as an instrument of coöperation (p. 282) and trenchantly observes: "It is their will [the peoples of the Member States] and their will alone which can make the League a living reality" (p. 284). He shows strikingly how the development of nationalistic sentiment after 1920 affected political coöperation under the League and how the Secretary General and his staff turned to the development of the non-political work of the League through coöperation between government departments other than the foreign offices. He points out the efforts to prevent war by binding League members to join in "the hue and cry" against a lawbreaker or the movement to outlaw war which took shape in the Kellogg Pact.

The short but trenchant pages on the Council, the Assembly and the Secretariat are especially timely now that reorganization of the League is so much in question. The complicated problems of the modern world, economic as well as political, the difficulties of adjusting the international organization to the growing power of public opinion have modified the carrying on of intergovernmental relations, but have not made less important the existence of an instrument of coöperation like the League.

J. P. CHAMBERLAIN

The Sino-Japanese Controversy and The League of Nations. By WESTEL W. WILLOUGHBY. Baltimore, The Johns Hopkins Press, 1935.—xxv, 733 pp. $5.00.

The present volume, heavy both in substance and in bulk, is an admirable study of the League in action. The setting is in Geneva, except for necessary references to events in the Far East, particularly in connection with the Shanghai "incident". In Part I, covering 535 pages, the author has carefully pieced together the official record of what happened in Geneva from September 1931 until the spring of 1935. The full texts of pertinent resolutions, first of the

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Council and then of the Assembly and its Committee of Nineteen, are given, together with excerpts from the statements made by representatives of the various powers. The more important pronouncements by the Chinese and Japanese delegations are either summarized or given in full. So complete is this digest that none except the occasional research student dealing with the controversy will be likely to find it necessary, hereafter, to go to the original documents.

Nor is this record essentially dull. One learns that the reason for the Council's delay in setting a time limit for the withdrawal of Japan's troops to the railway zone and in creating a special commission of inquiry was the general impression, both in Geneva and in Washington, that such delay would enable civilian elements in Japan to regain control of the situation. By clear implication, the official record discloses the sorry rôle of the Tokyo foreign office during the late months of 1931 and the early months of 1932. Japan's diplomatic representatives in Tokyo, in Washington and in Geneva were compelled to serve as mere shock absorbers between the Western powers and the army clique in Manchuria whose activities the Japanese government was powerless for the most part to control. In this connection, the author reveals one aspect of the Geneva maneuvers which has not hitherto been brought to light. In accepting the Council's resolution of December 10, 1931, which provided for a Commission of Inquiry, the Japanese government probably had in mind a report dealing with disordered political conditions within China. Thereupon various members of the Council were informed, confidentially, that if the Commission were called upon to determine whether China was actually entitled to full respect as a sovereign state, the Chinese government, on its part, would insist "that the Commission inquire into the question whether Japan herself was so organized, politically, as to be in a position to fulfil her international obligations." Perhaps it is unfortunate that such an investigation into the peculiarities of the Japanese political system was not made.

Part II of the book, which includes the author's "Personal Observations", is first concerned with technical questions which are chiefly of a juridical character. Even while dealing, however, with such problems as the definition of "war", the limits of self-defense within the meaning of the Kellogg-Briand Pact, and the application of Article X of the Covenant to the controversy, Dr. Willoughby is less concerned with establishing the illegality of Japan's actions in China than he is with pointing out the weak points in the world's

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peace machinery and the ease with which a powerful nation may evade, "under specious pleas, the obligations that it had been supposed were laid upon Members of the League and upon signatories of other treaties for the peaceful settlement of international disputes." After noting briefly the various concrete proposals which have recently been made to strengthen the world's peace machinery, the author expresses his own judgment relative to the League's handling of the Sino-Japanese controversy. Fundamentally, he believes, the League's failure to check Japan's advance into China was due not to the inherent complexities of the problems involved, nor to the essential weakness of the League machinery itself, but rather to the reluctance of Great Britain and France to assume their positive obligations under the Covenant.

Within the limits which the author set for himself, the work is a model of painstaking and accurate scholarship. So cautious are the personal judgments expressed, and so dispassionate is the general tone, that one would hardly suspect Professor Willoughby's long connection, in an advisory capacity, with the Chinese government. Certainly he indulges in little special pleading on behalf of the Chinese. The student who seeks to understand all of the ramifications of the controversy will require, however, something more than the present work, comprehensive as it is. The policy of the Soviet Union, about which nothing is said, had, at times, a direct bearing on the situation both in Manchuria and at Geneva. One reason for Japan's readiness to make peace at Shanghai was her undoubted fear of an impending clash with the Russians in northern Manchuria. Likewise Mr. Matsuoka's failure to reach an understanding in Moscow inevitably increased his difficulties at Geneva and at the same time strengthened the hands of the Chinese delegates. Finally, the current situation in Japan must frequently be taken into account. The sudden resignation of the Minseito cabinet in December 1931 and the assassination of Premier Inukai in May 1932 revealed that a political revolution was taking place in Japan. Thereafter, when Mr. Matsuoka went to Geneva, he spoke no longer as a representative of helpless civilians in Tokyo, but more or less as the representative of the Japanese army in the field.

Certain typographical errors are always inevitable in a work of this size, so that mention of them implies no criticism of the author. On page 269 appears a summary of the foreign policy of the Kuomintang which is apparently based on the platform adopted by the party in 1924 rather than 1913. The conditions in Manchuria re-

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ferred to by M. Lange (p. 446) should be those of September 1931, rather than 1921. And finally, on page 576, the author refers obviously to the Assembly Report of February 24, 1933 rather than 1934. It should be added that the full text of that Report, given in the appendix, adds materially to the value of the book.

ROBERT T. POLLARD

UNIVERSITY OF WASHINGTON

Cuba and the United States, 1900-1935. By RUSSELL H. FITZGIBBON. Menasha, Wisconsin, The Collegiate Press, George Banta Publishing Company, 1935.—xi, 311 pp. $3.00.

This useful monograph surveys the relations, principally diplomatic and economic, between the United States and Cuba since the Spanish-American War. The only comparable volume in English, Professor C. E. Chapman's ten-year-old *History of the Cuban Republic,* is necessarily much more general. Mr. Fitzgibbon cites an impressive list of published English and Spanish materials in his footnotes and bibliography; he has examined unpublished correspondence in the Department of State to 1906; and he has spent some time in Cuba. Despite an occasional infelicitous expression, his well-sifted facts move in a more sprightly procession than is usual with studies having doctoral antecedents.

Politically the story revolves around the Platt amendment, which, the author rather convincingly demonstrates, should more appropriately bear the name of Root. In spite of widespread Cuban condemnation, much of it well founded, Mr. Fitzgibbon is disposed to believe that the maligned amendment has brought substantial benefits to both nations: security to one and stability to the other. Indeed, one does not see how the United States, in fairness to itself or Cuba, could have turned the prostrate island loose without some kind of leading strings. The author freely admits that the Cuban republic was undeniably a protectorate of the United States and did not attain full sovereignty until 1934, when, in pursuance of the "Good Neighbor Policy", the administration of Franklin Roosevelt abrogated the Platt amendment. Mr. Fitzgibbon believes that this concession will help develop the political maturity of Cuba and remove the smothering sense of inferiority which had long exacerbated the relations between the two republics. Incidentally, the professional Cuban politicians, some of whom privately admit that the amendment was a good thing, bemoan the passing of an issue which long proved to be their chief stock in trade.

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Economically the story revolves around Cuba's monoculture economy, sugar, which is at once a blessing and a curse. Fatally dependent upon the fluctuations of a virtually uncontrolled world sugar market, Cuban economic life has suffered from a disconcerting instability which has in large measure been the root of political disorder. Although hardly hoping that such a course will be followed, the author suggests that the way to economic and hence political stability lies in the diversification of agriculture. Even so, he believes that Cuba will always be an economic satellite of her powerful and not altogether unselfish neighbor.

The most commendable feature of the book is its dispassionate tone. In a day when it is fashionable to inveigh against the imperialism of the United States, Mr. Fitzgibbon steers a refreshing middle course between Yankeephobia and one-hundred-percentism. He is even so bold as to conclude that the two major interventions of the United States (there have been many and various kinds of interventions) are a credit to this country. We neither entered precipitately nor stayed permanently—despite great temptation to do so. Pointing to sanitation, schools, roads and other blessings of civilization, the author demonstrates that the hand of Uncle Sam has not withered everything it has touched. While fully aware that the activities of American financial interests have not been above reproach, he concludes that the island has been greatly benefited by this enormous inpouring of capital; and he believes that if Cuba had it to do over again she probably would willingly bind herself to the golden chariot of Wall Street rather than forego the advantages of this connection.

The greatest defect of the book is one over which the author could have little or no control. Although the main lines of the story are probably limned with fidelity, a completely satisfying account cannot be written until the private records of the participants are made available. One would give much for a glimpse at the files of the Department of State since 1906. One would like to know the "inside story" that lies unrevealed in the correspondence of Magoon, Crowder, Wood, Wilson, Taft, Roosevelt and Root (it appears that the author might have used the Roosevelt and Root collections), to say nothing of such prominent Cubans as Estrada Palma, Gómez, Menocal and Machado. As an illustration of the difficulties that beset the investigator in the field of recent history, the papers of Leonard Wood, one of the earliest and most important actors in the drama, lie in the Library of Congress under stern re-

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striction. If this is true of the earlier figures, what of the later ones? All of which suggests that history which merges with current events cannot be even reasonably definitive. Mr. Fitzgibbon doubtless knew this; and we must give him credit for going ahead and doing something that should be done, but something that will later have to be redone. Meanwhile we should be grateful for a readable, thoughtful and eminently sane treatment.

THOMAS A. BAILEY

STANFORD UNIVERSITY

Colombia and the United States 1765–1934. By E. TAYLOR PARKS. Durham, Duke University Press, 1935. — xx, 554 pp. $4.00.

Many thousands of pages have been written about the "Taking of Panama", and several historians have dealt more or less fully with the earlier phases of isthmian canal diplomacy; but Dr. Parks has gone somewhat further in endeavoring to present a detailed, scholarly discussion of the whole story of our relations with Colombia from the eighteenth century down to the present time. He begins with chapters on the colonial period, the causes of the Spanish American revolution, the attitude of Great Britain and the United States toward the movement, and the story of the war itself.

The most important part of the book is that which deals with the period between 1822 and 1902. For several years after the recognition of Colombia, the inexperienced political appointees who represented the United States at Bogota occupied themselves chiefly with efforts to collect pecuniary claims and to procure the abolition of discriminatory duties against American commerce. Some of them diminished their usefulness by injudicious meddling in local politics; others were tactless and incompetent. So far as any interest in maintaining proper diplomatic representation was concerned, there seemed to be little realization at Washington of the transcendent importance of the question of isthmian transit, though American financiers and statesmen, like those of other countries, were evincing an increasing interest in the possibility of constructing a canal. The Treaty of 1846 was in fact signed without the authorization of the Department of State, largely because the American chargé d'affaires felt that Colombia's desire for a guarantee of the neutrality of the Isthmus offered a golden opportunity to procure equal treatment for American trade.

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It was in this treaty that relations between the two countries centered during the next half-century. American forces were repeatedly landed on the Isthmus of Panama, often at the request of the Colombian government, to maintain order and keep open the transit route, and to protect American citizens and their interests. In the meantime the Panama Railroad was built by an American company and the canal was begun by the French. De Lesseps' undertaking aroused the United States government to a new appreciation of the importance of controlling the canal route. A waterway open to all on equal terms under an international guarantee, which had seemed acceptable when the Clayton-Bulwer Treaty was signed in 1850, was no longer satisfactory, and efforts were made to escape from the restrictions which that treaty imposed. An American company attempted to build a canal across Nicaragua, but failed. When the French effort at Panama also collapsed, it became clear that the canal must be built, if at all, by the United States government. The Isthmian Canal Commission made extensive studies of both routes, and that at Panama was finally selected.

Dr. Parks's discussion of this eventful period is based on a careful study of the State Department's archives and other North American and Colombian source material, with some use of the more important secondary works. The story as he tells it is sometimes hard to follow, because he treats much of the subject matter topically, with separate chapters on such subjects as "Isthmian Disturbances and American Interventions", "The Guarantee of an Open and Free Transit", and "Yankee Economic Adventures in Colombia". The problem of arrangement is always a difficult one, but it would seem that a chronological account, showing how the interpretation of the Treaty of 1846 changed with such events as the building of the Panama Railroad, the beginning of the French canal, and the development of a desire at Washington for a canal exclusively under American control, would present a more effective picture.

The author's treatment of the events of 1903 is sane and well balanced. The developments at Bogota during the time when the canal treaty was pending before the Congress are, perhaps, passed over rather too hurriedly, for it was apparently President Roosevelt's exasperation at the attitude of the Colombian authorities during this period which was largely responsible for his subsequent action. The concluding chapters are an adequate summary of recent relations, political and economic. With the settlement of the questions arising out of the Panama revolution, these relations have assumed a new

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character. Colombia's great commercial expansion and the rapid development of her natural resources are making her one of the most important countries in Latin America, and large investments of United States capital in her territory have created new diplomatic problems for both governments as well as new ties between them.

DANA G. MUNRO

PRINCETON UNIVERSITY

The Struggle for the Pacific. By GREGORY BIENSTOCK. New York, The Macmillan Company, 1937.—299 pp. $4.00.

The Far East in World Politics. By G. F. HUDSON. Oxford, at the Clarendon Press; New York, Oxford University Press, 1937.—vii, 276 pp. $3.00.

The Twentieth Century in the Far East. By P. H. B. KENT. London, Edward Arnold & Co.; New York, Longmans, Green & Co., 1937.—390 pp. 16/–; $6.25.

The points of view adhered to by the authors of these three recent books on the Far East are strikingly different and reflect the number of years which they have devoted to the study of Pacific problems. Mr. Bienstock, whose book first appeared in German, is a devoted adherent of the geopolitical school of interpretation with its over-simplified emphasis on geographic factors. His approach to the Far East is oceanic in scope—hence the title—a point of view which is of necessity remote, and on the whole abstract. His first sentence, "The history of mankind is now entering the Pacific era: that is to say, it is within the Pacific region that the great historical events of the next hundred years will take place" (p. 17), reveals the breadth of his approach. His first chapter on "The Pacific World in the Making" is the most original and interesting one wherein he presents statistics to disclose the growth of commerce in that area and its increasing relative importance in world trade, traces the development of communications by sea, land and air, and outlines the advances of the "yellow races" into the Pacific Islands and the corresponding advance of the white races. The remaining two chapters on "Rivalries in the Pacific" and "War and Strategy" add little that is new, except that he succeeds in disclosing the close relationship between events in Asia and in Europe to a degree that is seldom equaled in books on the Far East. Careful and competent editing would have eliminated many factual errors. Also it could have standardized the Romanization of Chinese and Japanese names. As the book was

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written several years ago the tenses of some verbs on pages 178 and following should have been changed from the present to the past; of course Baron Shidehara is not a "General" (p. 182); Germany seized Kiaochow nearly two years before Hay dispatched his first open door note in 1899 (p. 201); Saionji is not a Satsuma man (p. 178).

G. F. Hudson, Fellow of All Souls, Oxford, has apparently followed Far Eastern developments longer and more closely than Mr. Bienstock. He has already written one excellent book in the field—*Europe and China: A Survey of Their Relations from Earliest Times to 1800* (London, 1931). He presents in the present study a brief historical survey of international developments in the Far East. It is a splendid piece of writing—clear, succinct, well-balanced, accurate and objective. There is no better general introduction to the field. With his statement, however, that "The modern history of the Far East dates from the forcible opening of China and Japan to international trade and diplomatic intercourse in the middle decades of the nineteenth century" (p. 1) the reviewer cannot agree. From the point of view of world history the most pervasive and underlying movement conditioning the emergence of modern civilization in the West and its later penetration into Asia was the overseas expansion of Europe. From this broader point of view the modern history of the Far East begins with the arrival of the Europeans via the sea in the sixteenth century. While the rate of the modernization of China and Japan was greatly increased after 1850, yet there were forces and movements from the sixteenth century on which had profound significance for the Far East as well as for Europe and should not be overlooked in a study of the modernization of the Orient.

P. H. B. Kent, barrister-at-law, long a resident in China, author of two well-known books, *Railway Enterprise in China* (London, 1908) and *The Passing of the Manchus* (London, 1912), writes with an accuracy of factual interpretation born of many years of first-hand experience and observation. He deals primarily and sympathetically with developments in China as influenced by the policies of the Western powers and Japan. In his account personalities figure more conspicuously than in the other two books. We have here a close-up view of the political, economic and cultural forces, and the personalities through whom they are working, which are determining the course and the rate of the modernization of China.

CYRUS H. PEAKE

COLUMBIA UNIVERSITY

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The Ancient World. By T. R. GLOVER. New York, The Macmillan Co.; Cambridge, at the University Press, 1935.—viii, 388 pp. $2.50.

Mr. Glover's book is intended to enlist recruits for the study of ancient history. The Queen's shilling will doubtless be taken by many, attracted by the freshness of the language and the swift, sweeping view of a vast subject. But those who are unwilling to accept charm in place of sober insight will not find the volume entirely satisfactory. Its episodic, almost anecdotal, character may be excused perhaps on the ground that compression and brevity were necessary; yet surely excessive space is devoted to mythology and legend.

Mr. Glover frequently reminds his reader of Polybius' maxim that the historian's concern is rather with the explanation of the facts than the bald statement of them, with the *why* rather than the *what*. Well then, why did Rome expand in Italy? Why did the character of the Roman senatorial ruling class degenerate in the two centuries before Sulla? Is the former process related to plebeian discontent? Is the latter connected with a striking change in living standards? Mr. Glover's silence breaks faith with Polybius.

In Pericles' time the Athenian citizen is honest, intelligent, industrious; democracy is good (pp. 121-4). In Plato's time, a half-century later, the same Athenian's son or grandson is giddy and irresponsible; democracy is a failure (p. 162). But surely this is a distorted picture of the state that recovered so rapidly from its disastrous defeat in the Peloponnesian War and rebuilt the Athenian league. The distortion evidently results from Mr. Glover's almost exclusively literary approach to history; for Pericles eulogizes democracy and Plato is a severe critic.

The author is led even further astray. For him, the aim of fifth-century Athens is idealistic, "to educate the rest of Greece" (pp. 123, 160-1); by contrast, fourth-century Athens is realist; the aim is "to have a really comfortable Athens." Is the former statement an accurate or complete characterization of a policy that used force ruthlessly to prevent the dissolution of the Delian Confederacy (membership in which was nominally voluntary, as in the League of Nations) and from which it drew income rather than pupils? Did not Athens retain in the fourth century its cultural leadership of Greece?

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When so much that is fantastic is being written on the subject of race, Mr. Glover's undefined and unguarded use of the term is especially regrettable. At times he speaks, as do the physical anthropologists, of the Mediterranean and Nordic races (pp. 43-4, 178). Elsewhere he uses the term to designate political or linguistic groups of mixed physiological composition, such as the Greeks (p. 118) and the French (p. 2).

The statement that the ancient Egyptian "will not eat wheat or barley" (p. 86) follows Herodotus (after a fashion), but inevitably conveys an erroneous impression of a great grain-producing and grain-consuming region. No hint of the importance of Aquileia is contained in the assertion "there was no Venice up at the top of the Adriatic in ancient days" (p. 12). The reader, on being told that the ancients had no paper (p. 20), will wonder on what Greek and Roman literature were written. The quorum (*minyan*) for a synagogue was ten Jews, not twelve (p. 217). Epiphanes as a royal name means "god manifest" rather than "magnificent" (p. 211). Our evidence does not warrant the flat assertion about Rome that "malaria did not come till Hannibal's soldiers brought it" (p. 193). From the description of the Roman Senate (p. 279) an unwary reader might well conclude that it was an elective body.

Let this not be understood to be an unfavorable review. To enumerate the many merits of the book and overlook its faults would be a disservice to the study of ancient history and to one of Britain's distinguished scholars.

EDWARD ROSEN

THE COLLEGE OF THE CITY OF NEW YORK

The Kingdom of the Crusaders. By DANA CARLETON MUNRO. New York and London, D. Appleton–Century Company, 1935.—ix, 216 pp. $2.50.

The sudden death of Professor Munro in January 1934 was a deep personal loss to all who knew him and an irreparable blow to the scholarly world of America. He had planned to retire from active teaching and devote his time to the writing of a definitive history of the Crusades for which he had been collecting material during many years of intensive research. His wide knowledge of the sources and his exacting standards of scholarship promised a monumental work to rank with the best of historical writing.

Many of Mr. Munro's students at Pennsylvania, Wisconsin and Princeton have followed his chosen field of scholarly interest and

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none with more distinction than Professor A. C. Krey who has prepared the present volume for the press. Although Mr. Krey disclaims any credit for the book, he has written a charming appreciation of Mr. Munro's life and works, has collected a complete bibliography of his writings, and has prepared the maps, illustrations and photographs as a final tribute to a master whose students will ever hope to be worthy of his brilliant direction and kindly friendship. In the autumn of 1924 Mr. Munro delivered the Lowell Lectures at Harvard. The preparation of these lectures on the Crusading states in Syria led to the formulation of his conclusions on many controversial questions. During his later years at Princeton he carefully revised his manuscript for publication, a task all but completed at the time of his death.

The book describes the condition of Syria at the time of the First Crusade, traces the progress of the Crusaders, the winning of the land, the kingdom at its zenith, which he places under Baldwin I. and Baldwin II., the loss of the kingdom, and the importance of the Crusades. Following the plan of A. Luchaire in his *Innocent III.*, Mr. Munro has avoided scholarly footnotes. While scholars familiar with the sources will recognize the authors quoted (indeed the author is usually mentioned in the text), a larger number of readers will be attracted by the charm of the work without reference to controversies which do not concern them.

Mr. Munro assures us of the definite appeal of the Emperor Alexius for aid at the Council of Piacenza (p. 32), which Chalandon has often denied; of the genuineness of the letter of the Patriarch Dagobert to Bohemond after Godfrey's death, quoted in William of Tyre (p. 70). He is severe in his condemnation of the conclusion of those historians who believe in an origin for the Assizes of Jerusalem contemporary with Godfrey (pp. 79-80), and he restores the character of King Fulk from the unwarranted criticisms of William of Tyre.

The most interesting chapters deal with the "Relations of Crusaders and Natives" and the "Importance of the Kingdom of the Crusaders". These are the result of long critical study and intimate familiarity with the sources, Arabic, Armenian and Greek, as well as Latin. Usamah and Ibn Jubayr are allowed to speak for the Moslem point of view and attest the friendly relations frequently existing. The Westerners were quick to adopt the Oriental way of life, a taste for Oriental commodities, many Moslem ideas of comfort and luxury, and an appreciation of a higher civilization. That

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the Crusaders had more to gain from the contact with the East than the natives from the Franks is Mr. Munro's strongest feeling. A telling illustration of the relative standards of the two cultures is the description of the ferocious cruelty of the Crusaders, when capturing a town, as contrasted with the mercy and sympathy shown in Saladin's reconquest. Though a great variety of opinion on the results of the Crusades has been collected and presented, Mr. Munro believes that "their most important results were the broadening of the intellectual horizon and the enrichment of the West."

A. A. BEAUMONT, JR.

NEW YORK UNIVERSITY

History of Parliament. Vol. I: *Biographies of the Members of the Commons House, 1439–1509.* By JOSIAH C. WEDGWOOD in collaboration with ANNE D. HOLT. London, His Majesty's Stationery Office, 1936. (May also be obtained from British Library of Information, New York City.)—lv, 984 pp. £2; $10.25.

This is the first volume to appear of what will be, when completed, a monumental history of Parliament from its beginnings in the thirteenth century to the Representation of the People Act of 1918. In 1929 the prime minister appointed a committee, presided over by Colonel Josiah Wedgwood and including among its members a number of well-known historical scholars, to report on the materials available for a record of the personnel and politics of members of the House of Commons from 1264 to 1832 and on the cost and desirability of its publication. The committee reported in 1931 that the preparation of such a record was practicable and desirable. It was subsequently resolved, at a joint meeting of members of both houses of Parliament, to proceed with the enterprise on a larger scale as a *History of Parliament*, and a committee was formed under the chairmanship of Lord Salisbury to carry on research. In a prospectus issued by H. M. Stationery Office it has been announced that the work will be divided into seventeen or eighteen periods, for each of which the material will be presented in two or three volumes comprising (1) biographies of members of the House of Commons with a commentary on the facts disclosed therein; (2) lists of members of both houses in each Parliament held during the period, showing bye-elections and the numbers voting in each contested election; (3) conclusions, appendixes, documents, debates, etc., illustrating the growth of Parliament. As a preface to each

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Parliament there is to be a commentary on its composition and work, and an introduction will summarize the information gathered from the lists. It is intended to publish volumes from time to time as funds for research and compilation become assured from private sources; the selling price will be fixed to cover the cost of printing and publication only. The *History* is expected to run to some forty volumes and its preparation to extend over thirty years or so.

The volume in hand contains "such biographies as are possible" of the 2600 men known to have been elected to the Commons House in one or more of the twenty-nine Parliaments that were summoned during the seventy years from 1439 to 1509. The authors conjecture that perhaps as many as 3800 persons in all were elected; the names of many members are unknown. The biographies are condensed summaries, in which abbreviations are freely used, averaging about 150 words in length. They give, in addition to the member's name, as much of the following information as has been found: years of birth and death (determined from contemporary evidence or deduced from other data), place of residence, trade or profession, public offices held, Parliaments attended, party affiliations, parentage, marriages, chronological summary of public life, heirs and will. In most cases the year of birth is conjectural, and when so it is printed in italics. It represents a guess based on other dates in the member's life. The year of death is, generally speaking, more nearly accurate. Surnames are a troublesome problem for the historian of the Middle Ages. In these biographies the surname is given in modern form, and in some cases, if there is a divergence great enough to cause possible confusion, the spelling as given in the sheriffs' returns is indicated in parenthesis, for example, "Lloyd (Floyd, Flud), David (*1420*–61). M.P. Guildford 1459, 1460–1. Lancastrian." At least half of the material of the biographies has been taken from the *Calendars of Patent Rolls*. "It is no exaggeration to say", in the authors' words, "that all County, Borough or Family histories published before the Patent Rolls were published were unreliable and are now obsolete." Biographies of only some 60 of the 2600 men dealt with in this volume are to be found in the *Dictionary of National Biography*, and these were written fifty years ago, before the publication of the *Calendars*. The authors not only tell us what sources they have consulted but also (what is rarer on the part of authors) what ones they have *not* consulted. The latter include records which undoubtedly contain many relevant data,

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among others the unpublished Close Rolls, the Plea Rolls, and the old black letter Year Books. Those who have any knowledge of these sources will understand why they have not been used. "Life is short and time is swift."

In the Introduction the authors make a number of interesting generalizations, some of them necessarily conjectural. It appears, for example, that there was a greater desire on the part of individuals for seats in Parliament than on the part of communities for representation. The nonpayment of wages to members and the representation of communities by nonresidents are evidences of the desire for membership in the Commons. Probably most of the members were unpaid. "The opportunity they wanted was a visit to town, to Court." And no wonder. Many pleasant experiences and many profitable things were to be had there. "If a seat in Parliament was not so greatly desired as in the following two centuries, it was a far more popular ambition than in the preceding century, and officials were the pioneers of the change." More than half of the borough members were not resident in the boroughs which elected them; nonresidence was much less frequent in the case of the county members.

Wills are the sources of information that tell us most about the personalities and thoughts of these men, who differed from us most widely, the authors conclude, in their "all-pervading fear of the hereafter". The church was the principal beneficiary of their bequests. William Haute "gave as a pedestal for the Virgin at Bishopsbourne a piece of stone on which the Archangel Gabriel had trod!". Nor was the individual's solicitude for spiritual security confined to himself. The provident man did not forget the welfare of his relatives in the world to come. Provision for masses and prayers for the souls of wives, parents, brothers and sisters was customary. Wills show also a concern for the testator's family in this world—the England of the Wars of the Roses—a world of confusion, insecurity, turmoil and violence.

The second volume of this instalment will give the lists of all known members of both houses in each successive Parliament of this period, with brief identification. The third and concluding volume will analyze the preceding two and draw conclusions "covering the whole field of political development and action throughout the century."

ROBERT LIVINGSTON SCHUYLER

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The British Empire before the American Revolution: Provincial Characteristics and Sectional Tendencies in the Era Preceding the American Crisis. By LAWRENCE HENRY GIPSON. Volume I: *Great Britain and Ireland.* Volume II: *The Southern Plantations.* Volume III: *The Northern Plantations.* Caldwell, Idaho, The Caxton Printers, Ltd., 1936.—xxix, 301; xxx, 383; xxxvi, 347 pp. $15.00.

Recent historians have attached much importance to treatment of the English colonies in America from the standpoint of the contemporary British world rather than from that of the later United States, and to directing attention to those colonies which remained loyal in 1776 as well as to those which declared their independence. The body of historical literature which reflects this point of view receives an important addition in these volumes by Professor Gipson and in the promise of further volumes to which these three are in a sense only preliminary.

Here the author undertakes a survey of the entire empire as it was during the years between the end of the War of the Austrian Succession and the beginning in America of the Seven Years' War. Never before has the empire of this period been so extensively reconnoitered. The investigation required a volume on the British Isles, one on the southern plantations, continental and insular, and another on the northern colonies, with chapters on the African slave-trading posts, on the Hudson Bay area, and on the Newfoundland fishery. Nor is this all. The author promises us a fourth volume on "Zones of International Friction", which will deal with the Nova Scotia region, the Indian frontiers, north and south, the Caribbean area as a scene of economic and political contact with Spain and France, and the East Indies and East India Company. Of all the territories under British influence in this period, apparently only Gibraltar and Minorca are to receive no more than passing mention. The magnitude of the task which Professor Gipson has set himself becomes apparent when it is realized that he plans to follow these volumes with half a dozen others, which will deal more or less chronologically with aspects of the years down to the outbreak of the Revolution, and to conclude the series with a volume of critical bibliography and historiography. One must admire the author's courage in facing so vast an undertaking, while at the same time one raises the question as to whether his purpose and the reader's needs would not be better served by more rigid compression.

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But once the reader has conceded the scale on which the project is conceived, he must recognize the value of what Professor Gipson has already done. His is both a work of synthesis and an original contribution. He shows familiarity with the important monographic studies produced in recent years and his conclusions are generally in line with those of the leading specialists. At the same time he has made extensive use of manuscript collections in Great Britain, France and America, with the result that, even when he is dealing with the most familiar topics, his analyses are marked with a freshness of illustration that often becomes distinctly illuminating. In these volumes the author makes no attempt to suggest a new thesis to explain the break-up of the old empire, but supports the now generally accepted interpretation that the crisis "came largely not only by reason of measures pursued by the British ministry in the course of the Seven Years' War and subsequent thereto, but also as a result of an altered outlook on the part of colonials themselves, especially after the Peace of 1763" (vol. I, pp. vii-viii).

In establishing a basis for this interpretation Professor Gipson presents a cross-sectional view of the empire in 1750. His organization is almost completely geographical, his treatment largely descriptive. The first volume opens with a chapter entitled "Wide Spread the Empire", which lists the areas under British control and proceeds to summarize the political machinery by which they were more or less effectively administered. Attention is then turned to the British Isles themselves, and in a succession of chapters England, Scotland and Ireland are depicted. It is as refreshing as it is unusual to find a colonial historian dealing as carefully and as fully with the life of the mother country as he does with conditions in the colonies, and Professor Gipson does just that. In fact, this reviewer knows of no place where one can find in equal compass so generally satisfactory a picture of life in the various parts of the British Isles in the mid-eighteenth century. The second and third volumes take up one by one the individual colonies on the North American continent and in the West Indies, and include chapters on the principal southern staples and the Iron Act, as well as those on the African slave trade, the Hudson Bay region, and the Newfoundland fishery. A "Summarization", bringing the work to a close, reviews briefly some of the main characteristics of the empire as a whole.

In general the author eschews the topical treatment and he explicitly disclaims "any attempt to institutionalize the old British

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Empire." His method has marked advantages in clarifying the picture of each particular area in its turn, although it does at times interfere with the unity of the treatment of the whole. As the author directs his lens first to one small part of the British world and then another the reader tends sometimes to lose sight of the larger horizon. But Professor Gipson shows his ability to follow a topical method when that treatment seems best. The most successful chapter in the three volumes is one on the Iron Act of 1750 (vol. III, chap. viii) which deals clearly and forcefully with the conflicting interests of English and colonial producers of iron. Nowhere in this work is the basic problem of imperial economic adjustment so well brought out as in the handling of this topic. Almost as satisfactory, however, are chapters on the tobacco and sugar trades. Undoubtedly, later volumes will give more frequent opportunity for equally effective handling of similar problems.

The reviewer experienced a marked feeling of disappointment on reading the chapter called "A Government of Laws" (vol. I, chap. v). He had expected, perhaps unreasonably, to find some discussion of the legal and political philosophy of eighteenth-century England, but discovered only a somewhat commonplace description of the penal code and the machinery of law enforcement. In fact, it may be said that preoccupation with the material concerns of Englishmen and colonials to the general exclusion of their intellectual and spiritual life constitutes the chief defect of the whole work. If the author is indeed to prepare us for an understanding of that "altered outlook" on the part of colonials which helped to bring on the Revolution, he should give more attention to the realm of ideas. Nowhere is there an extensive discussion of the political philosophy underlying the structure of the empire; nowhere except in the short accounts of Methodism and the Great Awakening is there adequate consideration of the intellectual forces which were working beneath the surface of material existence and were destined everywhere in the Western world to make the end of the eighteenth century so different from its beginning. The collapse of the old empire was due as much to the "climate of opinion" as to political and economic maladjustment. Disruptive forces in the realm of thought were already at work in England and America in 1750 and to these Professor Gipson gives too little attention.

Obviously, in considering a subject so broad as that which the author has chosen for himself there will be legitimate differences of opinion as to the emphasis to be given to its various parts and to

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the features which ought to be stressed or touched on only lightly. Beyond what has already been said, the reviewer does not disagree seriously with Professor Gipson's choice of emphasis. In general, the proportions are well maintained and no important issue in any area has been ignored. There is balance and enough variety of treatment to prevent monotony. The printing has been well and pleasingly done, though the binding leaves much to be desired. Each volume contains a number of useful maps, most of them reproductions of the work of contemporary cartographers, an analytical table of contents, and a satisfactory index. These volumes are a substantial addition to the literature of the subject and indicate that the series as a whole will become one of the really important works on the quarter-century preceding the American Revolution.

LEONARD W. LABAREE

YALE UNIVERSITY

Public Opinion and Politics in Eighteenth Century England: To the Fall of Walpole. By WILLIAM T. LAPRADE. New York, The Macmillan Co., 1936.—viii, 463 pp. $4.00.

To write such a book as this took no small amount of courage, industry and thought. Courage was required to treat a period upon which so many writers have lavished their efforts. Many aspects here considered are very familiar, as are the leading dramatis personae and outstanding episodes. On the other hand, no one had shown the industry necessary to read the hundreds of pamphlets from which Mr. Laprade has derived his judgments, and only by reading these pamphlets can one speak authoritatively on the public opinion of the time and invigoratingly on certain hackneyed themes. But even industry is not enough. Thought is required to define the problems, to hew to a main course, and to decide what may be omitted. The historian must ask so many questions of pamphlets—the intent of the author, the meaning of words, the slant of contemporary readers.

In a trenchant style, which permits no dozing, the author has sketched the public's opinions from 1700 to the fall of Walpole. His first chapter, a fine essay on the political heritage of 1700, emphasizes the revolutionary changes of the day, though perhaps had the theme been broader than politics the relative stability of economic life could have been suggested. Thereafter, he traces in a few lines the penumbra of William's last struggle with an alien

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people, the rise and fall of Harley, the caprices of ecclesiastical politics, the career of Bolingbroke, and the reign of "King Robin" Walpole—all in terms of the public's reaction. Nothing entirely unknown comes to light, but the emphasis is often novel and the point of view refreshing. Whether the judgments are conventional or not, they stand on the sturdy foundations of personal investigation.

This is a history without a villain, and the heroes, such as they are, appear in a credible garb. Harley comes off rather well as the "fixer" who did not practice "fixing" either for its own sake or for his own glory. No knight in shining armor, he loved his country, sought moderation, worked faithfully for the Hanoverian succession, and, with Godolphin, secured the union with Scotland. Walpole receives no less sympathy and admiration from the author who sensibly assumes that in politics no man has a corner on virtue. Both Harley and Walpole knew the temper of their times and they knew the game they had to play. Therein lay their strength and therein lay their advantage over Bolingbroke, "ever the theorist". Not quite the "flashy sophist" of John Morley, Bolingbroke nevertheless lacked the essential fiber that enabled men less brilliant to achieve far more influence. Among the pamphleteers, Mr. Laprade prefers Defoe, "less skilled with words" but possessed of ideas and acute sensitivity to his time, over Swift, the "master of words" but uncontrolled and dependent on others for his material.

These were days of bitter partisan politics, when, according to Swift, the very dogs in the street were quarrelsome and Whig and Tory cats debated loudly through the night, and when scarcely a head did not teem with politics. Checks upon the press were never very effective, and the names applied to Walpole, for example, reduce to insipidity the charges of the 1936 presidential campaign. A "lying, cowardly, corrupt buffoon" and a "profligate, rapacious, abandoned traitor" were but preliminary skirmishes in the battle of epithets when Robin's opponents advanced to the attack.

Although various readers will feel that it would have been both desirable and possible to include more attention to religion or to economics and thus secure perhaps a better balance in the political theme, the author deserves hearty applause. He introduces many persons of whom hitherto no mention has been made, and he whets desire to know more about these people who bustled diligently back of the political stage. He improves our knowledge of events, as when he makes clear that although circumstances and the party's leaders conspired for Whig power in 1714, that assumption of power

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was not inevitable; it took the Jacobite rebellion to discredit the Tories sufficiently. He shows Anne as no weakling. Implicit in his narrative is valuable information concerning the men and the pattern of action of a most lively political epoch. May he carry his story along.

CHARLES F. MULLETT

UNIVERSITY OF MISSOURI

England, 1870-1914. By R. C. K. ENSOR. Oxford, at the Clarendon Press; New York, Oxford University Press, 1936.—xxiii, 634 pp. 15*s.*; $6.00.

The period of English history, 1870-1914, which is treated by Mr. Ensor is of interest to students of social development no less than to students of history. The author gives a clear, well-written and reliable summary of the various aspects of English history during this period—political, social, economic, diplomatic and cultural. The volume is admirably fitted to be on a list of "supplementary reading" for college students. However, the various chapters are rather pieced than woven together; as a consequence the treatment lacks the necessary integration to make this highly interesting period stand out sharply and vividly before the eyes of the reader.

Though the framework of English government and society remained essentially the same as it had been for centuries, the picture inside was strikingly different. What was essentially new was the rise of the working class to political power and influence. It resulted, in the first place, in a radical change in policy by the Liberal party which abandoned laissez faire and adopted a comprehensive plan of social security, England's New Deal of 1906-1914. In the second place, it resulted in the formation of the Labor party. When the workingmen were enfranchised, it was believed, according to Mr. Ensor, that they would follow the "popularly-revered old families as against middle-class upstarts". To the deep chagrin of both the "old families" and the "middle-class upstarts" the workingmen refused to accept the leadership of either. Instead, a movement began to create a working class party which culminated in the organization of the Labor party, with a socialist program, which was destined to displace the historic Liberal party. However, from its birth the Labor party has borne the traditional English stamp of compromise. It has, as Mr. Ensor does not fail to point out, fully accepted the parliamentary tradition and the empirical philosophy which makes English socialism so different from the barricade socialism of the French and the dogmatic Marxism of the Germans.

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It was during this period that England's unbalanced economy became clearly evident. After 1870 agriculture declined so sharply that farming "ceased to be of any real consequence in the life of the nation". The overwhelming majority of the British people now lived from commerce and industry, of which the most important element was foreign trade. This situation created for Britain an unstable economic equilibrium that made her position less secure than that of any other great European power. Defeat in war would be far more disastrous to her than it was to France after 1870 and to Germany after 1918, both of whom had a flourishing agriculture and a prosperous domestic trade which became the basis of their rapid recovery.

For a time the loss of agriculture was compensated by the advance of industry. But, after 1870, there began a relative decline of England as the "workshop of the world" due to the rise of domestic manufactures in foreign countries and to the competition of Germany. Mr. Ensor seeks to find comfort by saying that if England "was no longer as much as formerly the world's workshop, she was more than ever its warehouseman, its banker, and its commission agent. And these were relatively the better paid functions." Who got the better pay? Surely not the great mass of wage-earners whose real wages, during the first decade of the twentieth century, remained stationary or actually declined.

Another aspect of the period was the revival of imperialism. Before 1870 the Empire had been accepted as a burden by the Whigs and as a duty by the Tories. After 1870 a new enthusiasm arose for the Empire, kindled largely by Disraeli, which, by 1914, swept all Britain. Conservatives, Liberals and even Laborites all became devoted champions of the Empire, each party, however, using different language to express its devotion. This revival was inspired by a growing opinion that the colonies might be able to rescue Britain from her unstable economic equilibrium by providing, through a system of imperial preferences, a new economic balance whereby the foodstuffs and raw materials of the colonies would balance the commerce and industry of the mother country.

Mr. Ensor discusses England's foreign policy in the light of historic and geographic forces, and Britain's constantly shifting diplomacy is seen as the result, not of "muddle" and weakness, but of necessity to protect a world empire in which the various parts have different, and often conflicting, interests. At bottom the foreign policy of no other country has been as tenacious, as consistent, and

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as relentless as that of Britain. Obviously, she must control the seas (1) to safeguard herself from an attack through the Channel ports, and (2) to keep open her lines of communication with her colonies. The threat of the newly created German fleet, declares Mr. Ensor, dominated Britain's relations with Germany. At first she offered an alliance to Germany, and when that was refused, she turned toward France. The *entente cordiale*, which, at first, was limited to diplomatic coöperation between Britain and France, became in fact a military alliance, in 1906, when the British government authorized "military conversations" between the staffs of the two nations, and a naval alliance, in 1912, when the British fleet was concentrated in the north Atlantic and the French fleet in the Mediterranean. And let it be noted that these momentous moves were made by a Liberal ministry whose chiefs, Campbell-Bannerman and Asquith, were steeped in Gladstonian pacifism. Britain's foreign policy knows no parties.

Though generally fair, the author occasionally betrays a Conservative bias. One would never guess that when he writes of the "powerful intelligence" of "this great man" he refers to Lord Salisbury, a statesman who, in Bismarck's opinion, was a "lath painted to look like iron". Asquith, in times of crises, "remained poised on equivocations, waiting for something to turn up". Lloyd George is a "Celt" who uses "English with great wit and fluency, but with the air of a foreign language". In Mr. Ensor's view, the "ultimate root" of the Boer War lay in Gladstone's recognition of Transvaal independence; he does not appear to realize sufficiently that the Boer War was an almost perfect illustration of a conflict whose roots lay deep in financial imperialism. The Conservative Education Act of 1902, which, by giving public money to denominational schools, created rather than solved a problem, "ranks for England and Wales among the two or three greatest constructive measures of the twentieth century".

J. SALWYN SCHAPIRO

THE COLLEGE OF THE CITY OF NEW YORK

Genealogie der Verfassungen. By CONRAD BORNHAK. Breslau, M. & H. Marcus, 1935.—vii, 124 pp. RM 6.–.

Although Professor Bornhak believes that "the age of constitutionalism with its degeneration into parliamentarism is gone", he is kind enough to condescend to a *post mortem:* "It is customary to write an obituary in memory of the dead by passing his life in

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review. Each such life has its good points, nothing human is entirely satanic, but the weak points are more numerous and finally entail ruin. This book shall show all that in retrospect. It is the obituary of constitutionalism and parliamentarism, which as far as Germany is concerned, ends in the Weimar constitution." After such an introduction, which palpably neglects the fact that the most powerful governments of the world, the British Empire and the United States, are distinctly constitutional states, the reader might expect that Bornhak would offer factual material to support the opinion that what happens in Germany, Italy or Russia is symptomatic for the world at large (though it has not been for the last five hundred years). If so, he will be disappointed. Bornhak is satisfied with a survey of constitutional provisions in various written charters (thus completely omitting England from this "obituary" of constitutionalism), beginning with the American colonies, ranging through the nineteenth century, and ending in the Weimar Constitution. The pattern for his survey he derives from the doctrine of the separation of powers, not as it actually worked, but as it was stated by Locke and Montesquieu. This imposes upon him a formalistic and ideological approach; historical reality completely escapes him. For example, his discussion of the American colonies reveals no acquaintance with Greene's study of the colonial governors, and his remarks on the Federal Constitution are similarly airy. For example, it is alleged that the president has more power than any European monarch (in what period?), and that therefore Wilson had no business attributing to the Kaiser arbitrary power. This confusion of actual power in the sense of *potentia* and legal power in the sense of constitutionally defined functions is a striking illustration of the unrealistic formalism of Bornhak's approach. He divides the European constitutions with which he deals into four groups: (1) the constitutions following the French Constitution of 1791; (2) the constitutions resembling the (French) Constitutional Charter of 1814; (3) the Belgian group; (4) more recent federal constitutions. As a result of this rather arbitrary division, a number of important charters are not considered, such as those of Sweden and the Austrian Empire; in short, this essay has not even the merit of completeness. By the same token, the post-war Constitution of Czechoslovakia is not even mentioned, in spite of its striking success in the face of most adverse conditions. But the most extraordinary omission of all, perhaps, is the omission of the Constitution of the Third Republic. Bornhak's is indeed a most logical proceeding.

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First he pronounces dead a family of which all but some of the weaker members are living and then he writes an obituary, studiously omitting mention of almost all the living (and presumably dying?) members. The conclusion seems to be that constitutionalism is indeed dead, but only in the mind of Herr Bornhak and his colleagues. Perhaps it was never really alive there.

CARL JOACHIM FRIEDRICH

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Philippine Independence. By GRAYSON L. KIRK. New York, Farrar & Rinehart, Inc., 1936.—ix, 278 pp. $2.50.

Professor Kirk opens the narrative of his *Philippine Independence* with the familiar aspect of the Spanish-American War which terminated in the conquest of the Philippine Islands and their annexation by the United States with a bonus to Spain of $20,000,000. This is followed by an analysis of the conflict between the expansionists and anti-expansionists over the arguments for and against the American manifest destiny, the white man's burden, Philippine trade and Far Eastern commerce, and the strategic location of the Philippines, at the time when the Filipinos were revolting against their new master, the United States.

The author then presents his main thesis, that the United States granted the Filipinos their independence not because of altruistic motives but to protect the interests of the American agrarian groups representing the sugar, dairy, cottonseed oil, tobacco and cordage industries. The idea itself is not a new one, but the author is to be congratulated for his painstaking scholarship in trying to prove his contention. He shows that in 1934 the Philippines were our best export market for cotton cloth, galvanized steel sheets, dairy products and cigarettes, and our second best market for passenger car tires, and for iron and steel semi-manufactures. American importers took 84 per cent of the Philippine exports in the same year, in the form of sugar, coconut products, tobacco products and hemp. Sugar alone constituted 60 per cent of it! The sugar industry has progressed to such a degree that it has replaced hemp as the primary industry of the Philippines. The economic destiny of these islands at present depends upon sugar. The World War and the free trade policy between the Islands and the United States gave Philippine agriculture a prosperity which was in all probability unequaled in its history. In the decade of the twenties sugar exports to the United States increased 450 per cent; coconut oil exports, 22.3 per

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cent; and cordage shipments more than 500 per cent. Accordingly, the American cane and beet sugar growers, the Cuban sugar interests, the American dairy organizations, and the cottonseed oil producers united in their efforts in Congress and in the press to exclude Philippine products by the abrogation of the reciprocal free trade policy with them. In addition they openly championed the cause for the independence of the Philippines from United States rule. In the latter, they were ably assisted by the patriotic societies known as the Defenders of the Republic, the Minute Men of America and the National Patriotic Association, and by the American Federation of Labor. They all contended that the Filipinos should be excluded because they were creating another race problem in the United States and were undermining the high American standards of living.

There was no equally powerful American economic group to battle for the retention of American control of the Philippines. American capital had made no great investments in Philippine sugar and coconut plantations or oil mills, though it did control the Cuban, Puerto Rican and Hawaiian sugar and tobacco industries. It is interesting to speculate over what might have happened to the Philippine independence issue if American financial interests had been involved as greatly in the Philippines as they are in Cuba and Hawaii. The only economic group in the United States which seriously opposed both import limitations and Philippine independence was the group of exporters of American goods to the Philippines. Most of them were organized in the Philippine-American Chamber of Commerce but they were not as effective, and hence were defeated in their clash with the American agrarian interests.

Professor Kirk then describes the triumph of these American agrarian forces in the form of the Tydings-McDuffie Act of 1934 and of the constitution of the Philippines of 1935. He presents the argument that the success of the Philippine experiment in political independence depends upon its economic future, and of that he is pessimistic, because Philippine business activity is monopolized by Chinese, Japanese and American capital. Furthermore, Philippine business is dependent on a reciprocal free trade relationship with the United States, which will terminate ten years hence. The author believes that the political outlook of the new constitution is also uncertain, because of the poor qualifications of the electorate, the absence of a middle class, the diversity of the religious, linguistic and racial groups, and particularly because of the menace of Japanese imperialism.

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Professor Kirk concludes with suggestions for solving the new Filipino-American problem. He recommends a reciprocal tariff agreement which would save the major portion of the $50,000,000 to $60,000,000 worth of goods per year we sell to the Filipinos, and at the same time avert their economic collapse. His political solution provides for the re-inclusion of the Philippines within the empire of the United States as a protectorate.

The reviewer believes that the author has exaggerated the significance of the rôle of the American agrarian interests in procuring the passage of the Tydings-McDuffie Act which gave the Philippines their independence. Undoubtedly, it did play a part, but it is unimportant as compared with the other motives which actuated the United States in its solution of the Philippine question. It cost the citizens of the United States approximately $595,000,000 to acquire and maintain the Philippines between the years 1898 and 1935. During this period of thirty-seven years, the United States converted a Malay people of very low civilization into a thriving commonwealth, with a standard of living three times as high as that of other Orientals in the Far East, and with excellent attainments in public health, education and self-government. For all this the United States Treasury was never reimbursed — not even in part. What other imperialistic country has as commendable a record? We released the Philippines because they were a financial liability to American taxpayers. The value of the exports to and the imports from the Philippines, together with the "invisible" financial advantages to the American citizens, did not compensate them for their great financial outlay. These Islands did not prove to be a valuable place for the investment of American capital; they were not an important market for our merchandise; and their products were not essentials for our economic well-being. Besides, the Filipinos persisted in their demands for independence, which the United States as a democracy could no longer ignore, particularly because of the ignoble manner in which it acquired them. Lastly, we recognized the fact that the Phlippines were a military and naval weakness to the United States and might embroil us in a war with Japan, who seems to be determined to establish her hegemony in the Far East.

Nevertheless, Professor Kirk's *Philippine Independence* is an excellent addition to the literature on the Philippine question. No student of the problem can afford not to read it.

J. H. LANDMAN

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The Development of the Business Corporation in England, 1800–1867. By BISHOP CARLETON HUNT. Cambridge, Harvard University Press, 1936.—x, 182 pp. $2.50.

British Corporation Finance, 1775-1850: A Study of Preference Shares. By GEORGE HEBERTON EVANS. Baltimore, The Johns Hopkins Press, 1936.—208 pp. $2.25.

The development of joint-stock companies in England has from time to time drawn the attention of scholars. Heretofore the outstanding work on this subject has been Dr. William R. Scott's excellent treatise on *The Constitution and Finance of the English, Scottish and Irish Joint-Stock Companies to 1720*, published in three volumes by the Cambridge University Press in 1912. This study, however, closed with the general collapse of the joint-stock companies brought on by the enactment of the Bubble Act (6 Geo. I) and the disastrous results of the unbridled speculation of 1720 induced by the "fund of credit" theories of John Law. The Bubble Act had successfully suppressed the organization of joint-stock companies on shares, unless such companies were chartered, under the penalty of praemunire, entitling the injured party to sue the stockholders as partners for triple damages; and brokers dealing in such shares were liable to a fine of £500. From 1720 until late in the century the only stock companies to make their appearance were a few chartered undertakings for the construction of canals, waterworks and similar purposes. Just before the close of the eighteenth century there began a definite revival of company organization in the face of the Bubble Act. These, of course, were partnerships and as such their shareholders were subjected to unlimited liability. With this revival there begins a long struggle in Parliament to apply the principles of laissez faire to company organization and to protect the stockholder through application of the principle of limited liability. While this is going on new financial devices are introduced, refined and defined until something comparable to the modern company emerges about the middle of the nineteenth century.

Dr. Hunt has chosen to trace primarily the changes in public opinion and in parliamentary legislation which necessarily had to take place to pave the way for the Companies Act of 1867 which not only throws company organizations open to all who might desire it, but also accords shareholders full limited liability. He has selected his material judiciously from contemporary sources. Here we see how the liberals of the period—among them such men as Huskisson,

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William Clay, John Cates, Robert Slaney, John Stuart Mill, Cobden and Gladstone—opposed the conservatives, among whom are Sir Henry Parnell, McCulloch, the Lord Chancellor (Eldon), Thomas Tooke, and others; how slowly but surely, as speculative booms and depressions follow one another to leave a trail of bankruptcies in their wake, public opinion, as reflected in the pages of the London *Times*, the London *Economist* and the *Circular to Bankers*, gradually is won over to the liberal point of view; how speculation centers now upon shares of mining enterprises, joint-stock banks or railways; and how Parliament is finally forced to abandon the practice of chartering companies by special act in favor of a general incorporation act conferring limited liability upon shareholders. His chief interest, then, is in the spontaneous rise of the non-chartered joint-stock companies and the struggle to gain the right to operate as a company without a special act of Parliament.

Throughout the eighteenth century there prevailed the notion that the subscriber to the capital of a business corporation was a contributor to a capital fund. So strong was this idea in Holland that undertakings such as the Dutch East and West India Companies and the English East India Company, the Bank of England and the South Sea Company were constantly being referred to as "fondsen" or funds, a term that was also applied to the public loans of the period. Under these circumstances one need not wonder that no clear-cut concept of capital stock had developed to the point of differentiating it from borrowed capital. Professor Evans furnishes ample support for this contention in his excellent study of the rise and evolution of preference shares as a financial device of English companies. He attributes resort to this device to financial embarrassment and inability of the company to complete the construction of canals or railways by means of funds obtainable through subscriptions to ordinary shares. At first the subscribers to preference shares are given a guarantee of dividends prior to the holders of ordinary shares and often even prior to the claims of mortgagees and creditors. At times these claims expire after a specified number of years, or upon the completion of construction, or when earnings have become sufficient to pay equal dividends on ordinary shares. Not until 1845 did Parliament enact that dividends might not be paid out of capital, except with the consent of mortgage holders and creditors, and not until 1847 did it put a definite stop to the practice, at least in so far as railway companies were concerned. Here we find also the earliest opinions on the question of the rights to dividends in the

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case of cumulative as against non-cumulative preference shares, a controversy that was finally settled by Parliament when it enacted, in 1863, that the right of the holder of preference shares to dividends extended only to earnings for each fiscal year and did not carry over. Thus Professor Evans says, of the holder of preference shares, "After passing through a period in which his rights were being defined, he had become by 1850 a shareholder with a weakened prior claim to dividends and shorn of many of the lucrative privileges which he formerly possessed."

A. H. STOCKDER

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Economic History of Europe. By HERBERT HEATON. New York and London, Harper & Brothers, 1936.—xiv, 775 pp. $3.50.

It would seem that a textbook attempting to cover all the principal aspects of the economic history of Europe, from prehistoric times to the post-war depression, in the short space of seven hundred and fifty pages, must give an impression of superficiality. This is not true, however, of Professor Heaton's book. To be sure, brevity and compactness of treatment have been essential throughout, but well-knit organization, a pithy style, close analysis and good proportion have resulted in packing a surprising amount of fact and interpretation into the volume. Nowhere is there a sense of crowding, rather one feels the author's easy mastery of his subject.

As the author is gifted with historical imagination, he makes even the remotely distant past seem alive, its economic problems in all essentials those of the ages. He has been unusually successful in avoiding the use of technical jargon. Whenever technical expressions must be used, they are so simply and clearly explained that the reader untrained in economic theory may read with understanding. He will find himself drawn to follow the pageant of the past to its modern outcome.

Tracing man's economic activities over so long a period means that the distinctive note of the book is continuity of development. Major periods, such as Antiquity and the Middle Ages, are delimited, necessarily, but the temptation to divide the past into eras, each marked by a characteristic type of economy to be superseded by another universal type, is avoided. The merging of one age into another is shown to be a natural process, the result of gradual changes in circumstances. The similarity of the problems of different epochs is emphasized without recourse to forced comparisons. No effort is

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made to condemn outgrown ways, but reasonable explanations are sought in the conditions and thought of the time. When, as often happens, historians differ as to causes, the various suggestions that have been made are cautiously weighed, and the reader is informed as to the essential points of the controversy. The author hesitates to accept single causes as all-sufficient interpretations of events or tendencies. Nor is he blind to factors other than economic. Geographical conditions are described in relation to their economic effects, and political history is interwoven with the story whenever needful. There is an ample supply of maps and charts.

The limitations of the book are inherent in its size and scope. Of necessity every topic is treated sketchily and in broad terms. The Roman world, for example, is allotted only one chapter of eighteen pages, in which is told succinctly the story of Roman economic development from the early invaders of the peninsula before 1000 B. C. to the decline of the Empire. The Middle Ages fare better, with seven chapters, and the scale grows progressively larger until nearly half the book is devoted to the time since 1700. Even here, however, the inclusion of agriculture, industry, transportation, organization, currency and banking, business crises, commerce, labor and other topics means that nothing can be considered in detail. To offset this disadvantage as far as possible, well-selected chapter-bibliographies with references to articles in periodicals as well as to important books lead the reader easily to fuller treatments. Concrete statement is employed rather than vague generalizations, the facts being left to speak for themselves. Statistics are part of the text where only they can elucidate a point fully. In many cases a brief quotation from a modern author, or a primary source, is used effectively. Space is thus economized to an extreme degree, but without sacrifice of readability. The closely knit character of the book will, however, make it more desirable to use it as a whole than to assign sections to classes interested in special periods. The handling of everything from 1700 to the present as one epoch has undoubted advantages in showing the early emergence of capitalism and the gradual development of the characteristic features of the modern industrial order, and also in combating the tendency to talk easily of sudden revolutions, but it is too long an undivided period if removed from the perspective of the book as a whole. Judged by what it professes to do, the *Economic History of Europe* attains its objective admirably; it is clear, direct, interesting and thoughtful.

JUDITH BLOW WILLIAMS

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BOOK NOTES

Among national leaders of our time, Stalin's position is unique. Although usually called a dictator, not unlike Mussolini or Hitler, the difference between him and them is more striking than the similarity. First of all, Stalin is the inheritor, not the founder, of a new régime; and, secondly, he holds formally in high esteem the ideals of "democracy" for which Mussolini and Hitler have only contempt. Stalin is one of ten members of the Political Bureau of the Communist Party. He owes his overwhelming influence to his iron will, combined with great wisdom, in the realistic (i. e., flexible) application of a rigid doctrine to the dynamics of historical development. Stalin's popularity in the Soviet Union has reached the dimensions of hero-worship. Henri Barbusse's *Stalin* (translated by Vyvyan Holland. New York, The Macmillan Company, 1935; ix, 315 pp. $3.00) is another manifestation of this "non-Marxian" attitude toward an individual. The book is not so much a biography as an apology. The gods of ancient Greece were endowed with some weaknesses, but Stalin, as Barbusse describes him, has none. To "the man with a scholar's mind, a workman's face and the dress of a private soldier" is attributed full perfection. The characterization of Stalin as "the man who looks after everything and everybody, who has done what has been done and who will do what is to be done, who has saved Russia in the past, and who will save it in the future" is, to say the least, naïve. Barbusse proclaims that in 1928, "at the moment at which capitalist power was at the height of its prosperity and showed no signs of decline, Stalin predicted its decline and the general slump." He does not mention the fact that Moscow had *always* spoken of modern capitalism in terms of decay. He ignores also the false predictions of a world revolution after the seizure of power by Lenin in 1917. Barbusse's account of the relation between Stalin and Trotsky is very sketchy, a mere repetition of what always is said about it by "Stalinists". The tragic features of the first Five-Year Plan, its loss in human lives, its sufferings and its waste are passed in silence, although they, as well as the gigantic achievements, are part of the record

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and can be disregarded only at the expense of historical accuracy. As propaganda, the book is undoubtedly a great success: its warm tone, its devotion to the cause, its genuine enthusiasm are effective. The translation is good. There are, in the original text or in the translation, many misspellings and errors in the transcription of Russian names. These include "Piatinsky" for "Piatnitsky" (p. 47), "Spiridovna" for "Spiridonova" (p. 56), "Jascheka" for "Yashka" (p. 278) and others. In the forword the author points out that Stalin "is the most conspicuous man in the world, and yet he is one of the least known." This book lays stress on certain conspicuous traits of Stalin, but leaves him, as before, little known.—BORIS SCHOENFELDT, Columbia University.

The period covered by the collection, *A Source Book for Medieval Economic History*, by Roy C. Cave and Herbert H. Coulson (Milwaukee, The Bruce Publishing Company, 1936; xx, 467 pp. $2.50), is chiefly from the fourth to the thirteenth century. Documents are chosen from almost any western European country on the assumption of more or less uniformity of development. Of course, this assumption is false, but for an undertaking like the present no other plan would be feasible. The division is topical rather than geographical or chronological. The historian has some qualms of conscience in including materials from the period covering the fourth to the ninth century with those from the ninth to the thirteenth century. While the former was going down socially, the latter was looking up. The sources used are well known to medievalists. Sometimes an older and inferior edition has been used, as in the case of Thorpe's *Ancient Laws*. The translations of the documents taken from these printed collections have not been tested, but they would appear to be competently done. A glossary is appended for the use of the student. There are grave dangers in misunderstanding documents through failure to make distinctions between different uses of the same word. For instance, merchant sometimes means a purely local trader, sometimes a traveling merchant, and sometimes a sedentary merchant performing many functions and controlling the economic activity of other classes. The introductions to the various sections are too brief, as are the introductions to the separate documents. Fault may be found with some of the introductions as, for example (pp. 186-187), the calling of a partner of a cooper a banker. He was a sedentary merchant who performed some banking functions. In another introduction it is said (p. 413) that the English prisage of wine was finally regulated by Parliament in 1275. This is incorrect. The

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general view (p. 126) that barter economy slowly changed into money economy during the Middle Ages fails to take into account the important intervening stage of money-barter economy, in which money was used as a measure of value rather than as a means of exchange. The collection as a whole is interesting, easy to read, and well chosen. Agriculture, commerce, town economy, slavery and serfdom, wealth and property, and taxation are all included. No one familiar with the period would fail to find entirely missing some first-rate document, for example, the Byzantine *Book of the Prefect;* but the surprise is that so many with which he is familiar and which he highly prizes are now made available for ready reference and study. The authors deserve our gratitude.—N. S. B. GRAS, Harvard University.

In *The Downfall of the Gold Standard* (Oxford, at the Clarendon Press; New York, Oxford University Press, 1936; viii, 262 pp. $2.25), Professor Gustav Cassel states: "Post-war monetary history is the record of strenuous efforts to restore an international gold standard system, and of the final failure of those efforts." He points out that the theory of the international gold standard was very simple but actually never functioned in such a simple way. The pre-war gold standard system never had the merits accorded it. The value of gold is unstable and the defects of the system are many. Accordingly, the author believes that the gold standard system has been destroyed and that the prospects for restoring it are not bright. "In view of the actual situation the time must also be ripe for scrapping the whole mass of old fashioned legislation fixing minimum reserves in some arbitrary arithmetical relation to the note circulation, or, more generally, to central bank liabilities. There is no reason why monetary legislation should always be determined by ideas and superstitions of a past century" (p. 213). He denies that gold is necessary for the payment of temporary deficits, as shown by his investigations in the case of Sweden. Instead of gold movements being monetary phenomena, according to the author, they are essentially capital movements. Capital taking flight from unsound currencies is seeking profitable investment out of the country. The United States has deliberately thrust aside the traditional gold standard doctrine that the supply of bank notes or means of payment be regulated by the gold reserve, and "thus the situation at the end of 1935 offers a singularly clear demonstration of the practical necessity for making monetary policy entirely independent of the gold reserves." Despite the acclamation by leading authori-

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ties of the desire to return to the gold standard, Professor Cassel prefers a return to the sterling standard. He suggests setting up a standard "by which the expediency of eventual change in gold parity should be judged." This he describes as a British monetary program at the London conference. The purpose was to effect a rise of the general price level and a stabilization of that price level. Gold parity would be adjusted to this end. Another suggestion is a "general equilibrium of exchange rates." He concludes that the balance of probability is in favor of a continued reduction of gold parity of currencies. The process of stabilization approved is that proposed by Sir Henry Strakosch: "An adjustment of internal price levels in the several countries to a reasonable equilibrium between prices and costs; and a fixing by international agreement, or at least in a spirit of mutual understanding, of exchange rates representing a reasonable equilibrium between the several currencies." The working of the sterling bloc, according to the author, seems to be the best hope of the efforts toward stabilization. Whether the sterling bloc will return to gold only time can tell, and the gold standard as known to pre-war literature is a story of the past.—IVAN WRIGHT, University of Illinois.

After a careful survey of the history of agricultural credit facilities in the United States prior to 1916, Dr. Anwar Iqbal Qureshi, in *Agricultural Credit* (London, Sir Isaac Pitman & Sons, Ltd.; New York, Pitman Publishing Corp., 1936; xvii, 190 pp. $2.50), describes the existing systems of agricultural credit under the Farm Credit Administration and pays great tribute to their ability to meet every credit need of the farmer. But credit and capital, he finds, do not solve the farmer's problems. The rise and fall of land prices seem to have been the cause of most of the farmer's troubles during recent years. This fluctuation, the author believes, was caused by the bidding up of the price of farm products during the War and the subsequent collapse resulting from overproduction and the mistaken policy of demanding the payment of the European debts in gold. Another weakness in American agriculture, according to Dr. Qureshi, is the uneconomic and small farm. He concludes that permanent prosperity for agriculture or for the world must be based upon increased consumption and production. This nice conclusion sounds well, but it leaves unanswered the constant problem of adjustment of costs, prices and ability of the consumers to buy.—IVAN WRIGHT, University of Illinois.

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The study of *Crises and Cycles*, by Wilhelm Röpke (adapted from the German by Vera C. Smith. London, William Hodge & Company, Ltd., 1936; xi, 224 pp. 10/6), is analytical rather than historical. The author describes the course of the trade cycle in an upward swing, crisis or acute reaction and depression. The theories concerning the causes of crises and cycles are physical, emotional and institutional. He divides the institutional into three schools of thought: namely, the capitalistic, exchange and monetary economy. He accepts the monetary theory of trade cycles as the explanation of the present depression. Dr. Röpke discusses three methods of combating the trade cycle: first, controlling the cycle as a whole which is merely credit control by the central bank (rediscount rate, open market operations and varying reserves); second, overcoming the depression which includes two schools of thought, the restrictionists and expansionists; third, applying such measures as unemployment relief, sharing of employment, productive relief work, compulsory labor work, land settlement and labor nationalism. The author seems to think that the Roosevelt administration started out on the right road to recovery but stumbled when it abandoned the gold standard and devalued the dollar. He also says that the capitalistic system is unfriendly to economic inertia and implies that we will always have crises and cycles as long as we have the present system.—IVAN WRIGHT, University of Illinois.

Dictatorship in the Modern World, edited by Guy Stanton Ford (Minneapolis, The University of Minnesota Press, 1935; 179 pp. $2.50), is a challenging book on contemporary politics. It is much more a connected account of dictatorship in the modern world than the seven essays indicate. The essays are: "The Pattern of Dictatorship", by Max Lerner; "European Dictatorships", by Ralph Haswell Lutz; "Dictatorships in Spanish America", by J. Fred Rippy; "The Mussolini Regime", by Henry R. Spencer; "The Origins of Dictatorship in Germany", by Harold C. Deutsch; "Communist and Fascist Dictatorship: A Comparative Study", by Hans Kohn; and "The Prospects for Democracy", by Denis W. Brogan. Dean Ford gives the setting of these essays in his editor's foreword. He suggests that "the chief thing we need to get over in our New World attitude toward dictatorship is our amazement. There is nothing new or novel about it. In the long course of the history of organized government one man by virtue of some sanction or other has ruled his fellow men between the Persian Gulf and Portugal much longer and much oftener than they have ruled themselves."

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The essential problems of democracy are here presented. Max Lerner's "The Pattern of Dictatorship" is a brilliant statement of the dilemma of democracy. There is increasing evidence that dictatorship must use the system of war rather than give any support to collective security. If dictators use the war machinery, perhaps they will know quickly its disruptive power. The final essay by Denis W. Brogan, "The Prospects for Democracy", suggests that democracy is learning through its mistakes and that conditions of liberty in modern times may be achieved by those who do not accept Rome, Berlin or Moscow. The essential anarchy of dictatorship is plainly revealed in each essay in this volume. The chaos of national irresponsibility makes the dictator possible, and each dictator lives in a mood of unaccountability for his actions. With great unction the unreason of things is accepted by dictators from José Gaspar Rodríquez de Francia to any despot who thrusts himself upon the political scene from Spanish America to the Balkans. If dictators were philosophers they would read a book like this. But it remains for college professors to write before and after dictators.—CHARLES W. PIPKIN, Louisiana State University.

The Rape of Africa, by Lamar Middleton (New York, Harrison Smith and Robert Haas, Inc., 1936; 331 pp. $3.00), is an effort to retell, within the bounds of some three hundred pages, the story of the European spoliation of the Black Man's Continent. The author describes the feverish haste of rival European states on the continent of Africa and gives glimpses here and there into the suspicious diplomatic intrigues within the chancelleries of Europe over the division of spoils. The volume covers a period of some sixty years, beginning with the work of the explorer, Henry Morton Stanley, and closing in the midst of Italy's recent adventure in Ethiopia. It contains some vivid pictures: Leopold II, mercilessly abusing the natives in the Congo while piously denouncing the institution of slavery; hypocritical diplomats, protesting that the European governments are eager to carry civilization to the natives; bewildered native chieftains, tricked into borrowing great sums of money so that, upon their failure to repay, European governments may have an excuse to take over large tracts of territory. Written in a journalistic vein, the volume gives evidence of too much haste in preparation. Since the field is so extensive and the pages are so few, the narrative does not flow smoothly, but is, of necessity, fragmentary and choppy. As a result it is difficult for the reader to gain a clear picture of the African situation. Citations of sources are all too few. One puts

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the book aside with the impression of having read here and there in a large number of secondary works without being sure from which the material comes. Nevertheless, for a rapid survey of the field the reader will find this book of value.—ERNEST WORK, Muskingum College, New Concord, Ohio.

There have been several works published in recent years purporting to give a general picture of English local government. But there will always be room for a book of the character and quality of Mr. Eugène Hasluck's *Local Government in England* (New York, The Macmillan Company; Cambridge, at the University Press, 1936; ix, 363 pp. $3.75). "A brief survey of the actual working of the system", says the author in his Preface, "renders the student's task a much easier one, and enables him to undertake an attack on the more formal study with greater understanding and enlightenment." Mr. Hasluck is well qualified to prepare such a survey. Although he prefers to emphasize the practical workings of local government, he is sufficiently familiar with the legal basis upon which it rests. He writes with a sense of humor and a sense of style. He is equally adept at description and criticism. After an introduction on the main features of local government as found in England, Mr. Hasluck sketches the part played by the elector and the elected, the paid officials and the central government. From this he turns to descriptions of local government areas, council procedure, finances, local government functions and the extension of powers. He concludes with a brief chapter on the future of local government. The picture that emerges has little in common with the ideal cherished by the "glorious tradition of local self-government" school. As self-government, we are told, it is characterized by apathetic electors, ignorant councillors, stupid or mediocre chairmen of committees and mayors, jealousy between the authorities of different areas and an almost complete absence of informed public opinion. The system does not even live up to its reputation as a training school for future members of Parliament. England gets good local government on the whole, but she does so because the paid officials and the central authorities between them manage to correct the grosser failures on the part of the electors and their representatives. The price paid is a steady increase in central control over local authorities. That control will become more and more close unless some means are found to arouse public interest in local problems and to develop an intelligent elected personnel. Thus baldly summarized, Mr. Hasluck's viewpoint will sound familiar if

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not commonplace. But the fault is in the summary. For both in description and in argument Mr. Hasluck is always fresh and pungent.—T. P. PEARDON, Barnard College.

The purpose of Professor J. B. Black's volume, *The Reign of Elizabeth, 1558–1603* (Oxford, at the Clarendon Press; New York, Oxford University Press, 1936; vii, 448 pp. 12s. 6d.; $5.00), is "to consider, as far as the space allows, all aspects of the reign of Elizabeth, giving more emphasis than usual to social and cultural as distinct from political affairs." It is therefore disappointing to find only 71 pages devoted to economic, social and cultural events out of 411 pages of interesting but detailed politics, particularly foreign affairs. These are presented chiefly from the viewpoint of the Queen and her ministers, which has the advantage of giving a clear understanding of a shifting policy, but hardly makes for an appreciation of the French and Spanish positions. The political theme is well organized, for the chief problems of the reign are treated in topical fashion in chapters arranged chronologically. That the main thread of the interpretation is political accounts for the unity of the treatment. The author avoids the unfortunate impression, usually created by tacking on a few chapters on social and cultural affairs at the end of a book, by dividing his political outline at the first breathing space in foreign affairs, that is, in 1575, and inserting the material there. His handling of controversial points is quite judicious, and his estimate of the numerical strength of the various faiths is commendably cautious and is based on the latest monographic material. Professor Black is lucid and painstaking in following the diplomatic maneuvers, but he conveys little of the spirit of the age. The only reference to the joyous and robust, even light-hearted, life of the Elizabethans is found in the discussion of literature (p. 255). Professor Black might well have used more of his essay entitled "Elizabethan Society, a Sketch".—WALTER A. KNITTLE, The College of the City of New York.

The Later Stuarts, 1660–1714, by G. N. Clark (Oxford, at the Clarendon Press; New York, Oxford University Press, 1934; xix, 461 pp. 12s. 6d.; $5.00), was the first to appear of some fourteen volumes projected as *The Oxford History of England*, a series which will, when completed, rival the Oman series and the *Political History of England* series as a standard coöperative history from prehistoric man to the beginning of the World War. The aim is to present a well-rounded treatment of the national life of England, political, economic and cultural. Professor Clark, the editor of the

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series who is also the author of this volume, has set a standard which, if achieved by the other authors, will result in the old type of political treatment brought up to date together with a few pages on the cultural aspects and social life tacked on. The life of the common man is singularly neglected. The organization of the material is not entirely satisfactory. It should have been possible to work the chapter on overseas expansion into the main narrative. It is also difficult to justify a separate chapter for the economic and constitutional developments under Queen Anne. Why should they not be treated in the political discussion in the same way as the constitutional developments of the Restoration and the Revolution of 1688? The reviewer doubts the advisability of discussing the various military campaigns in detail, when that information is already available at great length in the *Political History of England.* Professor Clark's style is clear but hardly inspiring. He has corrected the Whig bias of Macaulay without leaning backwards, but his characters are political personages, not human beings. The weakest parts of the book are those dealing with social and economic matters. An instance in point is that Professor Clark does not emphasize sufficiently the importance attached to a large population by the mercantilists of that day. Another instance is his discussion of the Bank of England. He seems to be oblivious of the revolutionary nature of its foundation, in that it gave the mercantile interests a potent voice in the government. A few errors of fact may be noted. The first general naturalization act was passed in 1709, not in 1708 (p. 228). The Palatines of 1708-1709 did not settle "most of all in Pennsylvania", nor were they the first German-speaking element in Pennsylvania (p. 331). The Jacobite expedition of 1708 did not lose "ship after ship" (p. 231), but only one. The Duke of Marlborough had four, not two daughters (p. 213).—WALTER A. KNITTLE, The College of the City of New York.

Soon after the news of Burgoyne's disaster reached England a bitter controversy began over the conduct of General Sir William Howe and his brother, Admiral Lord Howe, in which the General was charged not only with incompetence but with a deliberate intention of losing the war. In addition to a pamphleteering fray there was an inquiry by a parliamentary committee, the results of which were inconclusive. The subject has engaged the attention of several historical writers, including Charles Francis Adams, Worthington C. Ford and Charlemagne Tower, but American historians of the patriotic school, generally speaking, had little or nothing to say about it,

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a fact which Sydney George Fisher pointed out in his illuminating book on the American Revolution, published thirty-five years ago. This whole controversy and all the important sources for the work of the Howes in the Revolutionary War have been carefully studied by Troyer Steele Anderson, and the results of his investigation and reflection are set forth in a critical and constructive monograph entitled *The Command of the Howe Brothers during the American Revolution* (New York and London, Oxford University Press, 1936; vii, 368 pp. $3.50.) Sir William Howe emerges from this examination as a competent, though not brilliant, officer, confronted by circumstances which called for a really great commander. In most of the cases in which he was accused of lack of vigor, excessive caution or downright incompetence a fairly good defence can be made out for him, sometimes a convincing defence; but "he continually fell a little short of the most vigorous and effective use of his opportunities", and in the face of difficulty "his mind took refuge in routine ideas." His private character and personal habits seem to have had little influence upon his military conduct, contrary to the opinion of some of his critics, and no evidence whatever has been found to justify the accusation that he and his brother did not wish to win the war. They had a plan for suppressing the rebellion which had its merits, but it was a very expensive plan, and the British government was unwilling, and probably unable, to support it. Mr. Anderson makes it clear that the difficulties confronting the Howes were very great, and the American field army was only one of them. In Washington Sir William Howe had an opponent "who made serious mistakes but who possessed unusual tenacity and showed a capacity approaching genius for denying the British the full fruits of victory." And it is only fair to Howe to reflect on how near he may have come to ending the war on more than one occasion. "The American situation before Trenton", to quote Mr. Anderson, "was certainly desperate and, had Washington been compelled to go through the winter without the restorative effect of that victory, we cannot feel certain that his army would have survived." This is a reasonable view to take, but what, then, is the author's justification for attributing the ill success of the Howes "primarily" to something else, viz., "their failure to adjust their methods to the support the government was willing to provide"? The quest for "primary" causes in history is necessarily futile, and in no branch of history more evidently so than in military history. But for Trenton, the Howes, without any readjustment of their plans, might have been hailed as brilliantly successful commanders.—R. L. SCHUYLER.

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New and sound tendencies in the writing of state history are illustrated by *A History of Pennsylvania* (New York, Prentice-Hall, Inc., 1935; xxiii, 828 pp. $5.00) by Wayland F. Dunaway. In the compass of one volume the author re-tells not only the political history of the Commonwealth of Pennsylvania but also gives even greater space to economic, social and cultural developments. While much of this work has been compiled from secondary materials, the economic and social data of necessity have been largely gathered from the sources. The arrangement is topical, and the synthesis naturally suffers from the separation of political, economic and social facts into their respective categories. But this is a fault common to most who essay the difficult task of social history. The fortunate fact is that so many are trying to broaden and deepen the content of history. If we are really to understand the growth of the United States, we must have a series of excellent analyses of the evolution of the several states, with the tasks of the respective authors broadly interpreted. Dr. Dunaway has done pioneer work, and from his efforts and those of his co-laborers in the vineyard, will some day come the real history of the United States.—Roy F. Nichols, University of Pennsylvania.

There was more to the American Revolution than a struggle between the colonies and the crown. Internal colonial grievances of long standing in the various provinces contributed much to stimulate insubordination. The truth of such a statement is well demonstrated by J. Paul Selsam in *The Pennsylvania Constitution of 1776* (Philadelphia, University of Pennsylvania Press; London, Humphrey Milford, Oxford University Press, 1936; x, 280 pp. $2.50). William Penn had entered the colonial field late and in order to develop his project quickly he launched an extensive advertising campaign which brought many settlers from the continent as well as from the British Isles. However, he and his Quaker associates and successors were careful to keep the governing power well in hand, particularly by the devices of choosing the bulk of the legislature from the eastern counties and of limiting the franchise to property holders. As the colony extended westward, and as the frontier warfare of the eighteenth century brought danger to the scattered settlements, friction developed. The legislature did not heed the calls of the frontier. Also as Philadelphia grew, its artisans and laborers became more and more aware of the fact that they could not vote. A popular party drawing its support from the city poor and the unrepresented back country was growing in numbers and in bitterness. When the

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revolutionary difficulties developed after 1763 and the cautious Quakers hesitated about opposing the crown, the dissatisfied pushed ahead. Although there were demonstrations between 1765 and 1768, the real work did not begin until 1774. When the provincial government again proved hesitant, a group of popular leaders encouraged by the members of the first and second Continental Congresses initiated a series of committees and groups of military "associators". The activities of these agencies superseded the regular assembly and brought into being a constitutional convention which drew up and promulgated a constitution, September 28, 1776. This was a democratic document notable for its generous distribution of the suffrage and for the power of the unicameral legislature which it established. With this democratic triumph achieved the leaders set themselves to promote and defend it. So great was the effort needed for this purpose, that Pennsylvania seemingly had little to contribute to the Revolution proper. This valuable incident in political history is recorded with due regard to the social and economic background of the time, thus presenting a more realistic picture than sometimes results in doctoral dissertations in political history. Political scientists will find the analysis of the constitution convenient. Similar monographs dealing with the situation in other states would be welcome.—ROY F. NICHOLS, University of Pennsylvania.

The publication a few years ago in 130 volumes of a manuscript found in the Imperial Manchu archives in Peiping called the *Ch'ou Pan I Wu Shih Mo* (*The beginning and end of the management of barbarian affairs*), covering China's foreign relations from 1836 to 1874, has led to a restudy of this period of China's modern history. Dr. P. C. Kuo in his book, *A Critical Study of the First Anglo-Chinese War* (Shanghai, The Commercial Press, Ltd., 1935; 315 pp. $3.00 [Chinese currency]), has used the section of the compilation relating to the period roughly from 1836 to 1844 to supplement other Chinese sources and the long accessible Western documents, particularly the British *Parliamentary Papers*. He has been successful in giving the Chinese point of view concerning the causes of the war and the difficulties which confronted the officials in their conduct of it. This he has achieved by quoting extensively from the Chinese documents. We are especially indebted to him for publishing a translation of fifty-six of the documents selected from the recently published archive materials (pp. 211-315). The author, however, fails to mention the important articles by T. F. Tsiang, the outstanding contemporary authority on the whole period,

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on "The Extension of Equal Commercial Privileges to Other Nations than the British after the Treaty of Nanking" (*Chinese Social and Political Science Review*, October, 1931) and "New Light on Chinese Diplomacy, 1836-1849" (*Journal of Modern History*, December, 1931), as well as the book by Wei-tai Shen on *China's Foreign Policy, 1839–1860* (New York, 1932). In the discussion of the opening of Shanghai and the establishment of the International Settlement (pp. 174-175) there are several errors, easily detected by anyone familiar with H. B. Morse's *International Relations of the Chinese Empire* (Vol. I, pp. 346-355). Although Dr. Kuo has presented a well-rounded and very readable account of one of the most crucial periods in China's relations with the West, his volume will have to be used with caution and in conjunction with the above-mentioned studies, especially with Morse's work which it has by no means superseded.—CYRUS H. PEAKE, Columbia University.

The Mexican Claims Commissions, 1923–1934, by A. H. Feller (New York, The Macmillan Company, 1935; xxi, 572 pp. $7.00), deals with the settlement of claims of nationals of various countries against Mexico, under the Conventions of 1923 and later agreements. The initial chapter contains an excellent outline of the history of international reclamations against Mexico and their influence on the foreign relations of that country from the inception of the republic down to the present time. The volume then discusses the negotiation and drafting of the Conventions of 1923, the provisions of the Conventions, the organization of the commissions and a summary of their work. Four chapters are devoted to a critical discussion of the application by the commissions of principles of substantive international law in regard to nationality of claims, state responsibility, contract claims and the Calvo Clause. Other chapters deal with the Mexican National Claims Commissions, jurisdictional conflicts between the General and Special United States-Mexican Commissions, procedure, evidence and the measure of damages. The appendices of 240 pages include the texts of the various claims conventions and the rules of procedure of the different commissions. The usefulness of the volume would have been enhanced through the incorporation in the appendix of the texts of the important unpublished decisions of the commissions. Editorial errors of more or less importance appear on pages 64, 148, 149 and 179. Some of these errors might not be apparent to one unfamiliar with the work of the United States-Mexican Commissions. One wonders whether similar errors may not have crept into the discussions of unpub-

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lished material. Certain statements of the author are not entirely accurate. For example, he states (p. 57) that "all claims [covered by the General Claims Convention] whether presented to the commission or not, were to be considered as settled." The author doubtless overlooked the important proviso to the barring clause appearing in Article VIII of the Convention which reads, "*provided the claim filed has been heard and decided.*" — EDWARD YARDLEY, Washington, D. C.

Aside from the introductory chapter which discusses slavery thought in America prior to the establishment of the constitution, *Pro-Slavery Thought in the Old South* by William Sumner Jenkins (Chapel Hill, The University of North Carolina Press, 1935; xi, 381 pp. $2.50) is primarily a comprehensive survey of the numerous and varied defenses of slavery presented by southern writers. The discussion takes the form primarily of summaries of arguments rather than critical analyses. It includes theories based on theology, ethnology, biology, political philosophy and economics. The Bible seems to have been the chief authority for the southern spokesmen. Aristotle's famous dictum that slavery was ordained by nature was also used quite frequently. Cases were made out for the institution both on the ground of natural rights and on the denial of natural rights. Economic arguments ranged from the requirements of the southern climate and crops, to a favorable comparison of the slave's lot with the northern wage worker. In the realm of social philosophy much was made of the supposed natural inferiority of the Negro, of the necessity of civilizing him by slavery, and of the use of the institution to maintain a leisure class conforming to the aristocratic democracies of ancient Greece. A significant part of the study is the discussion of the conflict of political and economic interests within as well as between the various slave states regarding the questions of the slave trade and the continuance of slavery.—JOSEPH DORFMAN, Columbia University.

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